

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 18, 2002

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
CLIVE, IOWA

TABLE OF CONTENTS

| | |
|--|----|
| Call to Order | 1 |
| Members Present..... | 1 |
| Members Absent | 1 |
| Adoption of Agenda..... | 1 |
| APPROVED AS AMENDED | 1 |
| Approval of Minutes | 1 |
| October 9, 2002..... | 1 |
| APPROVED AS AMENDED | 2 |
| October 21, 2002..... | 2 |
| APPROVED AS PRESENTED | 2 |
| Director's Report | 2 |
| Financial Status Report - YTD Division Expenditures | 2 |
| INFORMATIONAL ONLY | 5 |
| Budget Request - FY 04..... | 6 |
| APPROVED AS PRESENTED | 9 |
| Public Participation | 9 |
| Smith, Scott (Landfill Rules and Illegal Dumping)..... | 9 |
| Bunz, Jean (Humboldt County Demand for Hearing)..... | 10 |
| Connor, Diane (Humboldt County Demand for Hearing) | 10 |
| Winkey, Deanne (Humboldt County Demand for Hearing) | 10 |
| Fallesen, Louie (Humboldt County Demand for Hearing) | 10 |
| Horton-Plasket, Elizabeth (Impaired Waters List) | 11 |
| Heathcote, Susan (Impaired Water List) | 11 |
| Jordahl, Erin (Iowa's Impaired Waters List) | 13 |
| Demand for Hearing - Humboldt County (Need for special meeting) | 13 |
| HEARING WILL BE HELD DECEMBER 3, 2002 AT 10:00 | 14 |
| AT 7900 HICKMAN ROAD, URBANDALE, IOWA..... | 14 |
| Proposed Rule -- Chapter 116, Registration of Waste Tire Haulers (Recission of old, adoption of new) | 14 |
| INFORMATION ONLY | 15 |
| Notice of Intended Action —Chapter 108, Reuse of Solid Waste (Rescission); Chapter 108 Beneficial Use Determinations: Solid Byproducts as Resources & Alternative Cover Material (Adoption)..... | 15 |
| APPROVED AS PRESENTED | 16 |

| | |
|--|----|
| Final Rule — Chapter 103, Sanitary Landfills (Rescission); Chapter 103, Sanitary Landfills - Coal Combustion Residue; Chapter 112, Sanitary Landfills - Biosolids Monofills; Chapter 113, Sanitary Landfills - Municipal Solid Waste; Chapter 114, Sanitary Landfills - Construction & Demolition Wastes; and Chapter 115, Sanitary Landfills - Industrial Monofills (Adoption); Chapter 100, Scope of Title – Definitions – Forms – Rules of Practice; Chapter 102, Permits, Chapter 109, Special Waste Authorizations; and Chapter 111, Financial Assurance Requirements for Municipal Solid Waste Landfills (Amendments); Chapter 110, Design, Construction and Operation Standards for Solid Waste Management Facilities (Name Change to <i>Hydrogeologic Investigation and Monitoring Requirements</i>), | 16 |
| APPROVED AS PRESENTED | 18 |
| Contract – Reed, Stowe & Yanke - Illegal Dumping Prevention & Response Workshops..... | 18 |
| APPROVED AS PRESENTED | 20 |
| Contract – AURA Consulting – One Stop Project Manager | 20 |
| APPROVED AS PRESENTED | 22 |
| Proposed Contested Case Decision – Van Meter Development Corp. Joint Venture; C. Dave Albright | 22 |
| NO ACTION TAKEN | 22 |
| Proposed Contested Case Decision – Sapp Bros. Truck Stops, Inc.; I29 & HWY 2 SID, L.L.C.. | 22 |
| NO ACTION TAKEN | 23 |
| Notice of Termination – Chapter 65, Animal Feeding Operations (Interim Matrix) | 23 |
| APPROVED AS PRESENTED | 24 |
| Final Rule - Chapter 65 Animal Feeding Operations (County construction evaluation resolutions) | 24 |
| Referrals to the Attorney General | 26 |
| Vessel Systems, Inc. [Dubuque] – air quality penalty collection..... | 26 |
| Heitritter, Ellie, (Vessel Systems, Incorporated Referral) | 27 |
| Dickenson, Rick (Vessel Systems, Inc. Referral)..... | 28 |
| CLOSED SESSION | 28 |
| REFERRED..... | 29 |
| Final Rule - Chapter 65 Animal Feeding Operations (County construction evaluation resolutions) | 29 |
| TABLED UNTIL DECEMBER 16, 2003 | 30 |
| Proposed Rule: Chapter 61, Water Quality Standards and Chapter 72, Criteria for Approval..... | 30 |
| INFORMATION ONLY | 31 |
| Contract – University Hygienic Laboratory - 2003 Environmental Monitoring and Laboratory Services | 32 |
| APPROVED AS PRESENTED | 33 |
| Final Rule - Chapter 22, Controlling Pollution (Definition of “Stationary Source Categories”) . | 34 |

| | |
|---|----|
| APPROVED AS PRESENTED | 34 |
| Referral to the Attorney General | 34 |
| Mobile World, L.C. . [Camanche] – wastewater penalty collection. | 35 |
| Bog’s Bar [Langworthy] – drinking water. | 35 |
| Bubba’s Bar & Grill [Cresco] – drinking water. | 35 |
| Oran Pub & Grill [Fairbank] – drinking water. | 35 |
| John C. Kelso [Worth County] – animal feeding operation. | 35 |
| REFERRED..... | 35 |
| General Discussion | 36 |
| Maas, Marian | 36 |
| Monthly Reports | 37 |
| October ‘02 | 59 |
| 5(9) | 59 |
| Items for the Next Meeting..... | 60 |
| General Discussion | 60 |
| Adjournment..... | 61 |

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Murphy at 10:00 a.m. on Monday, November 18, 2002, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Chair
Gary Priebe, Vice Chair
Kelly Tobin
Terrance Townsend

MEMBERS ABSENT

Rita Venner, Secretary

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Vessel Systems, Inc 1:00

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

October 9, 2002

Chairperson Kathryn Murphy asked if there were any suggested changes for the October 9, 2002 minutes.

Lori Glanzman said that a date needed to be added to page 1 under the heading call to order.

Kathryn Murphy said the day needed to be changed from Monday to Wednesday on page one under the heading Call to Order and on page 26 under the heading Adjournment.

Motion was made by Kelly Tobin to approve the October 9, 2002 meeting minutes as amended. Seconded by Terry Townsend. Motion carried unanimously.

| |
|----------------------------|
| APPROVED AS AMENDED |
|----------------------------|

October 21, 2002

Chairperson Kathryn Murphy asked if there were any changes or additions to the October 21, 2002 meeting.

| |
|---|
| <i>Motion was made by Terry Townsend to approve the October 21, 2002 meeting minutes as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.</i> |
|---|

| |
|------------------------------|
| APPROVED AS PRESENTED |
|------------------------------|

DIRECTOR'S REPORT

Director Jeffrey Vonk said that since the election the Governor is now focusing on his second term and he expects natural resource issues to be a key part of his agenda and the Department will be working closely with him and his staff. The Governor is also taking a hard look at all of his staff including directors and we should know if the next month or so if there are to be any changes at the Department. He said that it is his expectation is that there will be a continued focus on water quality issues of the state.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Linda Hanson, Division Administrator, Management Services Division, presented the following item.

Following is the operations' FY 03 first quarter financial status report by division. The report currently reflects a positive general fund balance of approximately \$260,000. This projected balance assumes that receipts and expenditures will come in as budgeted. However, any positive general fund balances will be needed to offset unanticipated shortfalls in actual receipts, such as camping receipts. It is still too early in the year to draw any meaningful conclusions from receipt and expenditure patterns.

**Iowa Department Of Natural Resources
Financial Status Report
Division Status**

| TOTAL DEPARTMENT THROUGH SEPTEMBER 30, 2002 | FY 03 BUDGET | FY 03 BUDGET THRU SEPT | FY 03 ACTUAL THRU SEPT | 03 BUDGET LESS ACTUAL 03 |
|--|-------------------------|---------------------------------------|---|---|
| RESOURCES | | | | |
| General Fund | \$15,489,070 | \$3,574,401 | \$3,314,352 | \$260,049 |
| Federal | \$19,447,260 | \$4,487,829 | \$2,807,303 | \$1,680,526 |
| Administration Fund | \$327,000 | \$75,462 | \$75,462 | \$0 |
| Conservation Fund | \$7,059,000 | \$1,629,000 | \$1,629,000 | \$0 |
| Other Funds | \$14,320,292 | \$3,304,683 | \$2,059,080 | \$1,245,602 |
| Groundwater Fund | \$3,717,198 | \$857,815 | \$786,557 | \$71,258 |
| Fish and Wildlife Trust Fund | \$29,188,895 | \$6,735,899 | \$6,211,871 | \$524,028 |

| | | | | |
|---------------------------|---------------------|---------------------|---------------------|--------------------|
| TOTAL RESOURCES | \$89,548,715 | \$20,665,088 | \$16,883,625 | \$3,781,463 |
| EXPENDITURES | | | | |
| Personnel | \$55,877,198 | \$12,894,738 | \$10,980,556 | \$1,914,182 |
| Extra Help | \$3,605,501 | \$832,039 | \$1,102,660 | (\$270,621) |
| Support | \$16,632,605 | \$3,838,293 | \$3,666,212 | \$172,082 |
| Contracts | \$10,550,472 | \$2,434,724 | \$753,131 | \$1,681,593 |
| Equipment | \$2,882,939 | \$665,294 | \$381,066 | \$284,228 |
| TOTAL EXPENDITURES | \$89,548,715 | \$20,665,088 | \$16,883,625 | \$3,781,463 |

| DIRECTORS OFFICE THROUGH SEPTEMBER 30, 2002 | FY 03 BUDGET | FY 03 BUDGET THRU SEPT | FY 03 ACTUAL THRU SEPT | 03 BUDGET LESS ACTUAL 03 |
|--|-------------------------|---------------------------------------|---|---|
| RESOURCES | | | | |
| General Fund | \$632,961 | \$146,068 | \$194,425 | (\$48,357) |
| Federal | \$970,808 | \$224,033 | \$188,592 | \$35,441 |
| Fish and Wildlife | \$603,947 | \$139,372 | \$149,547 | (\$10,175) |
| Administration Fund | \$327,000 | \$75,462 | \$75,462 | \$0 |
| Groundwater Fund | \$291,012 | \$67,157 | \$58,407 | \$8,750 |
| Other | \$496,516 | \$114,581 | \$104,044 | \$10,536 |
| TOTAL RESOURCES | \$3,322,244 | \$766,672 | \$770,477 | (\$3,805) |
| EXPENDITURES | | | | |
| Personnel | \$2,370,490 | \$547,036 | \$492,978 | \$54,058 |
| Extra Help | \$56,829 | \$13,114 | \$68,702 | (\$55,588) |
| Support | \$840,025 | \$193,852 | \$190,926 | \$2,925 |
| Contracts | \$0 | \$0 | \$0 | \$0 |
| Equipment | \$54,900 | \$12,669 | \$17,871 | (\$5,202) |
| TOTAL EXPENDITURES | \$3,322,244 | \$766,672 | \$770,477 | (\$3,806) |

| MANAGEMENT SERVICES THROUGH SEPTEMBER 30, 2002 | FY 03 BUDGET | FY 03 BUDGET THRU SEPT | FY 03 ACTUAL THRU SEPT | 03 BUDGET LESS ACTUAL 03 |
|---|-------------------------|---------------------------------------|---|---|
| RESOURCES | | | | |
| General Fund | \$1,412,492 | \$325,960 | \$312,264 | \$13,696 |
| Federal | \$1,158,502 | \$267,347 | \$207,893 | \$59,454 |
| Fish and Wildlife | \$2,096,053 | \$483,705 | \$525,453 | (\$41,748) |
| Groundwater Fund | \$245,487 | \$56,651 | \$47,606 | \$9,045 |
| REAP | \$193,466 | \$44,646 | \$39,222 | \$5,424 |
| Marine Fuel Tax | \$483,663 | \$111,615 | \$98,057 | \$13,558 |
| Infrastructure | \$580,396 | \$133,938 | \$117,668 | \$16,270 |
| Other | \$785,150 | \$181,188 | \$118,856 | \$62,332 |

| | | | | |
|---------------------------|--------------------|--------------------|--------------------|------------------|
| TOTAL RESOURCES | \$6,955,209 | \$1,605,048 | \$1,467,019 | \$138,029 |
| EXPENDITURES | | | | |
| Personnel | \$5,070,422 | \$1,170,097 | \$954,131 | \$215,966 |
| Extra Help | \$165,000 | \$38,077 | \$50,653 | (\$12,576) |
| Support | \$1,387,700 | \$320,238 | \$453,192 | (\$132,953) |
| Contracts | \$74,587 | \$17,212 | \$315 | \$16,897 |
| Equipment | \$257,500 | \$59,423 | \$8,728 | \$50,695 |
| TOTAL EXPENDITURES | \$6,955,209 | \$1,605,048 | \$1,467,019 | \$138,030 |

| ENVIRONMENTAL SERVICES THROUGH SEPTEMBER 30, 2002 | FY 03 BUDGET | FY 03 BUDGET THRU SEPT | FY 03 ACTUAL THRU SEPT | 03 BUDGET LESS ACTUAL 03 |
|--|-------------------------|---------------------------------------|---|---|
| RESOURCES | | | | |
| General Fund | \$6,344,983 | \$1,464,227 | \$1,277,144 | \$187,083 |
| Federal | \$16,446,730 | \$3,795,399 | \$2,213,553 | \$1,581,846 |
| Manure Certification Program | \$139,825 | \$32,267 | \$38 | \$32,229 |
| Stormwater Permit Fees | \$624,838 | \$144,193 | \$101,979 | \$42,214 |
| Animal Confinement Fund | \$254,522 | \$58,736 | \$0 | \$58,736 |
| Ag Management Grants Admin | \$69,823 | \$16,113 | \$16,221 | (\$108) |
| Water Protection Fund Admin | \$1,292,874 | \$298,356 | \$118,081 | \$180,275 |
| Operator Certification Admin | \$250,498 | \$57,807 | \$28,352 | \$29,455 |
| Well Contractor Fees | \$27,243 | \$6,287 | \$4,740 | \$1,547 |
| Water Supply Laboratory Cert. | \$156,775 | \$36,179 | \$7,284 | \$28,895 |
| Air Contaminant Fees | \$6,106,119 | \$1,409,104 | \$782,773 | \$626,331 |
| Groundwater Professional Registration | \$11,216 | \$2,588 | \$10,321 | (\$7,733) |
| Storage Tank Administration | \$175,691 | \$40,544 | \$14,463 | \$26,081 |
| Storage Tank Insurance Fund | \$75,000 | \$17,308 | \$33,749 | (\$16,441) |
| Hazardous Waste Remedial Fund | \$599,782 | \$138,411 | \$70,636 | \$67,775 |
| Land Recycling Fund | (\$3,161) | (\$729) | \$3,969 | (\$4,698) |
| Pesticide Mgt Contract | \$17,773 | \$4,101 | \$2,950 | \$1,151 |
| Topo Map Sales | \$37,000 | \$8,538 | \$9,250 | (\$712) |
| Toxic Clean Up Days/GIS | \$421,236 | \$97,208 | \$117,571 | (\$20,363) |
| Water Protection Fund Tech Asst | \$177,533 | \$40,969 | \$35,651 | \$5,318 |
| Tire Fund | \$148,691 | \$34,313 | \$29,861 | \$4,452 |
| SIFIC | \$175,422 | \$40,482 | \$30,772 | \$9,710 |
| Oil Overcharge | \$228,890 | \$52,821 | \$41,007 | \$11,814 |
| Energy Fees | \$3,500 | \$808 | \$44,079 | (\$43,271) |
| Solid Waste Administration | \$1,652,543 | \$381,356 | \$281,618 | \$99,738 |
| Landfill Alternatives | \$463,719 | \$107,012 | \$187,980 | (\$80,968) |
| Special Waste Authorization | \$41,992 | \$9,690 | \$12,921 | (\$3,231) |
| Waste Reduction Assistance | \$191,120 | \$44,105 | \$26,074 | \$18,031 |
| Household Haz Waste Administration | \$164,575 | \$37,979 | \$23,696 | \$14,283 |
| Waste Volume Reduction Fund | \$190,765 | \$44,023 | \$3,523 | \$40,500 |

| | | | | |
|---------------------------|---------------------|--------------------|--------------------|--------------------|
| Other | \$33,500 | \$7,731 | \$0 | \$7,731 |
| TOTAL RESOURCES | \$36,521,017 | \$8,427,927 | \$5,530,256 | \$2,897,671 |
| EXPENDITURES | | | | |
| Personnel | \$20,683,433 | \$4,773,100 | \$3,888,424 | \$884,676 |
| Extra Help | \$235,200 | \$54,277 | \$54,218 | \$59 |
| Support | \$4,738,337 | \$1,093,462 | \$782,940 | \$310,522 |
| Contracts | \$9,758,076 | \$2,251,864 | \$708,396 | \$1,543,468 |
| Equipment | \$1,105,971 | \$255,224 | \$96,278 | \$158,946 |
| TOTAL EXPENDITURES | \$36,521,017 | \$8,427,927 | \$5,530,256 | \$2,897,671 |

| CONSERVATION RECREATION THROUGH SEPTEMBER 30, 2002 | AND | FY 03 BUDGET THRU SEPT | FY 03 ACTUAL THRU SEPT | 03 BUDGET LESS ACTUAL 03 |
|---|---------------------|---------------------------------------|---|---|
| RESOURCES | | | | |
| Fish and Wildlife Trust Fund | \$26,488,895 | \$6,112,822 | \$5,536,871 | \$575,951 |
| General Fund | \$7,098,634 | \$1,638,146 | \$1,530,519 | \$107,627 |
| Federal | \$871,220 | \$201,051 | \$197,265 | \$3,786 |
| Conservation Fund | \$7,059,000 | \$1,629,000 | \$1,629,000 | \$0 |
| Corps Condition 5 Funds | \$459,380 | \$106,011 | \$103,481 | \$2,530 |
| Restore the Outdoors | \$40,207 | \$9,279 | \$11,893 | (\$2,614) |
| ATV Fund | \$1,578 | \$364 | \$1,007 | (\$643) |
| Miscl. Grants | \$2,805 | \$647 | \$5,995 | (\$5,348) |
| Cedar Rock | \$220,164 | \$50,807 | \$42,063 | \$8,744 |
| Trees For Kids | \$51,041 | \$11,779 | \$0 | \$11,779 |
| Forestry Enhancement | \$407,321 | \$93,997 | \$47,261 | \$46,736 |
| Alliant Projects | \$50,000 | \$11,538 | \$10,518 | \$1,020 |
| TOTAL RESOURCES | \$42,750,245 | \$9,865,441 | \$9,115,873 | \$749,568 |
| EXPENDITURES | | | | |
| Personnel | \$27,752,853 | \$6,404,505 | \$5,645,023 | \$759,482 |
| Extra Help | \$3,148,472 | \$726,570 | \$929,087 | (\$202,517) |
| Support | \$9,703,843 | \$2,239,348 | \$2,245,287 | (\$5,938) |
| Contracts | \$680,509 | \$157,041 | \$38,287 | \$118,754 |
| Equipment | \$1,464,568 | \$337,977 | \$258,189 | \$79,788 |
| TOTAL EXPENDITURES | \$42,750,245 | \$9,865,441 | \$9,115,873 | \$749,569 |

Linda Hanson briefed the Commission on expenditures for the first quarter of FY03 and stated that it is too early to predict any trends.

Kathryn Murphy asked if there were any areas of concern.

Linda Hanson said camping receipts have traditionally been of concern and will be watched to see if they come in as projected.

Kathryn Murphy asked what quarter would be the best indicator for how the Department is doing.

Linda Hanson said patterns might be determinable after the second quarter. Most likely, any serious concerns would be apparent in the third quarter. However, Hanson stressed that the Department can never really be assured of a positive balance until the end of the fiscal year.

| |
|---------------------------|
| INFORMATIONAL ONLY |
|---------------------------|

BUDGET REQUEST - FY 04

Linda Hanson, Division Administrator for the Management Services Division presented the following item.

Attached for the Commission's approval is a summary listing of the Department's appropriation requests for FY 04. The listing includes actual FY 02 and 03 appropriation levels along with the FY 04 proposed appropriation request. Also included is a listing of both Fish and Wildlife and General Fund operations' decision packages that constitute increases over the FY 03 status quo level.

| APPROPRIATION NAME | FY02 APPROP | FY03 APPROP | FY04 REQUEST | \$CHANGE FY03 APPROP OVER FY04 REQUEST |
|---|---------------------|---------------------|---------------------|--|
| GENERAL FUND | | | | |
| APPROPRIATIONS | | | | |
| Department Operations | \$16,007,457 | \$15,174,617 | \$15,814,071 | \$639,454 |
| Marine Fuel Tax Operations | \$389,689 | \$0 | \$0 | \$0 |
| Water Quality Protection Fund | \$0 | \$0 | \$0 | \$0 |
| Total General Fund Appropriation | \$16,397,146 | \$15,174,617 | \$15,814,071 | \$639,454 |
| TOBACCO SETTLEMENT FUNDS | | | | |
| Destination Park | \$1,000,000 | \$1,000,000 | \$3,000,000 | \$2,000,000 |
| Restore the Outdoors | \$2,500,000 | \$2,500,000 | \$2,500,000 | \$0 |
| Lewis and Clark Rural Water Supply | \$0 | \$281,400 | \$0 | (\$281,400) |
| | \$3,500,000 | \$3,781,400 | \$5,500,000 | \$1,718,600 |
| ENVIRONMENT FIRST | | | | |
| Resource Enhancement & Protection | \$7,200,000 | \$2,000,000 | \$15,000,000 | \$13,000,000 |
| Marine Fuel Tax Capitals | \$2,300,000 | \$2,300,000 | \$2,700,000 | \$400,000 |
| Lake Restoration Program | \$500,000 | \$350,000 | \$5,000,000 | \$4,650,000 |
| Tree Planting Grants | \$250,000 | \$0 | \$0 | \$0 |
| Waste Tires | \$500,000 | \$0 | \$0 | \$0 |
| Water Quality Monitoring | \$2,500,000 | \$2,605,000 | \$3,000,000 | \$395,000 |
| Floodplain Permit Review | \$180,000 | \$0 | \$0 | \$0 |
| GIS Data for Watershed Managers | \$195,000 | \$0 | \$195,000 | \$195,000 |
| Keepers of the Land Volunteer Prg | \$70,000 | \$100,000 | \$100,000 | \$0 |

| | | | | |
|--|---------------------|---------------------|---------------------|------------------|
| Water Quality Permit Review | \$180,000 | \$0 | \$0 | \$0 |
| Landforms and Ecosystems | \$125,000 | \$0 | \$0 | \$0 |
| Lewis and Clark Rural Water Supply | \$60,000 | \$0 | \$0 | \$0 |
| Park Operations & Maintenance | \$0 | \$0 | \$2,000,000 | \$2,000,000 |
| Air Quality Equipment | \$0 | \$500,000 | \$500,000 | \$0 |
| Water Supply Appropriation | \$0 | \$500,000 | \$500,000 | \$0 |
| | \$14,060,000 | \$8,355,000 | \$28,995,000 | \$20,640,000 |
| NON-GENERAL FUND | | | | |
| APPROPRIATIONS | | | | |
| Fish and Wildlife Operations | \$28,030,165 | \$29,188,895 | \$30,038,895 | \$850,000 |
| Fish and Wildlife Capitals | \$5,000,000 | \$5,000,000 | \$5,000,000 | \$0 |
| Groundwater | \$12,439,000 | \$12,439,000 | \$12,439,000 | \$0 |
| Oil Overcharge | \$430,000 | \$200,000 | \$125,000 | (\$75,000) |
| UST Administration Match | \$75,000 | \$75,000 | \$75,000 | \$0 |
| Snowmobile Transfer to Fish & Wildlife | \$100,000 | \$100,000 | \$100,000 | \$0 |
| Boat Registration Transfer to F&W | \$1,400,000 | \$1,400,000 | \$1,400,000 | \$0 |
| Total Non General Fund Appropriations | \$47,474,165 | \$48,402,895 | \$49,177,895 | \$775,000 |

| | | | | |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|
| TOTAL | \$81,431,311 | \$75,713,912 | \$99,486,966 | \$23,773,054 |
| TOTAL DEPARTMENTAL FTE | 1063.12 | 1075.12 | 1075.12 | 0.00 |

**Department of Natural Resources
FY 04 Operations Enhancement Packages**

| Dept | Prior Description | FTE | Total | General Fund | Fish Wildlife | & Other |
|------|---|------|-----------|--------------|---------------|------------|
| 1 | Restore FY 03 salary adjustment funding provided in FY 03 from non general fund sources. | 0.00 | \$0 | \$314,454 | \$0 | -\$314,540 |
| 2 | Provide for decentralization of environmental service activities including offices, utilities, and equipment for an estimated 30 employees. | 0.00 | \$350,000 | \$175,000 | \$0 | \$175,000 |
| 3 | Provide for the second phase of the One Stop project to reform environmental reporting and data management in Iowa. | 0.00 | \$150,000 | \$150,000 | \$0 | \$0 |

| | | | | | | |
|--------------------------------------|--|-------------|--------------------|------------------|------------------|-------------------|
| 4 | Provide for Conservation Officer retirement payments to the sick leave bank for health insurance premiums as required by the collective bargaining agreement. | 0.00 | \$750,000 | \$0 | \$750,000 | \$0 |
| 5 | To accept additional federal funding to accomplish expanded nongame wildlife research activities. | 0.00 | \$100,000 | \$0 | \$100,000 | \$0 |
| Total FY 04 Change Over FY 03 | | 0.00 | \$1,350,000 | \$639,454 | \$850,000 | -\$139,540 |

Linda Hanson reviewed the initial budget request that the Department submitted to the Department of Management. She said that the first enhancement package was for General Fund salary adjustments from fiscal year 2003. Salary adjustment money typically comes from General fund but last year this money was a one time appropriation from the underground storage tank fund, thus, this package restores the on-going cost from the General Fund. The second enhancement package would allow the Department to place approximately 30 employees around the state, which is part of the decentralization program. She said the intent is to identify current vacancies that can be assigned to the field to avoid moving central office employees. The decentralization plan is expected to be cost neutral once it is fully implemented. The third enhancement package will allow the Department to continue efforts toward the integration of our database systems and the reform of the environmental reporting process. This is a nationwide initiative that will allow the Department to transmit information easily between governmental agencies. EPA has funded the majority of the cost for this effort. The fourth package is a request for funds to cover the retirement benefit cost of twenty conservation officers who will be eligible for retirement in fiscal year 2004. The last package seeks funds to use as a match for federal funds that will be used for non-game wildlife research activities. Hanson stated the Department has also requested \$3,000,000 from the tobacco settlement fund for infrastructure development for the destination park and \$15,000,000 for REAP. She said money for park operation and maintenance typically came out of the General Fund; however the Department is requesting that this \$2,000,000 be earmarked from the Environment First Fund.

Jeff Vonk said the request for funds for the retirement of conservation officers and nongame wildlife research activities are requests to spend funds that are already in the Trust Fund. He said that while it is an ambitious budget request he believes it is doable.

Gary Priebe asked if the Department was planning to hire officers to replace the 20 officers that may be retiring.

Jeff Vonk said the Fish and Wildlife Trust Fund from which conservation officers are paid is operating on a month to month basis. He said he is planning to have a complete analysis done on the trust fund to look at revenue sources and outflows and he anticipates that the Department will need to scale back and not fill all of the vacant positions because of the lack of funds.

Lisa Davis Cook said she was pleased to see the requests for REAP and Water Quality Monitoring but she is wondering about the Waste Tire Program not being part of the budget request.

Mark Slatterly said there is an appropriation for the Waste Tire Program and it is based on a percentage of vehicle title fees collected. The legislature passed a 1.6 million reversion from the tire fund that currently has a \$700,000 balance, so most of the receipts from this fiscal year will be reverted to the General Fund.

Jeff Vonk said he believes there is very strong bipartisan commitment for the tire program from the Legislature, which he expects to continue.

Motion was made by Gary Priebe to approve the FY04 Budget Request as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Smith, Scott (Landfill Rules and Illegal Dumping)

Scott Smith, 1268 224th Lane, Boone, Iowa said he would be commenting on two agenda items today on the behalf of the Iowa Society of Solid Waste Operations (ISOSWO). On the revision of the landfill rules he said they as an organization appreciate the opportunity to work with the department to review the existing rules and provide input on the restructuring. This has been a cumbersome task that has grown over the past years. The restructured rules make it easier to ascertain by type of facility what rules are applicable to a permit applicant or holder. He said ISOSWO would like to request that notice of these new rules and instruction on how copies can be obtained be sent to all permit holders so that everyone will know that there has been a restructuring of the rules. He said the other issue that ISOSWO's president Mary Witry asked him to comment on is the item on the agenda dealing with illegal dumping. He said this is something that ISOSWO supports the department doing because this has been an ongoing issue that local governments have to face. ISOSWO's concern is that proposal review team did not include any county or city representatives who have to combat illegal dumping on daily basis. He said they have no doubt that the selected contractor will do a good job but they feel the selection process would have been more effective if it had included representatives from local government. Recently the Energy and Waste Management Bureau included representatives from ISOSWO and the League of Cities on a review team for the Demolition Waste Management Workshops, with very positive results. In the future ISOSWO would encourage the department to follow the model that was used with the demolition waste workshops whenever dealing with issues that directly involve local government.

Bunz, Jean (Humboldt County Demand for Hearing)

Jean Bunz, 505 SE 4th Street, Gilmore City, Iowa said she is a lifelong resident of the Gilmore City and a member of the City Council. She said Gilmore City requests a formal and open hearing regarding the disposition of the permit for D & S Cattle Company to construct a hog factory in Avery Township in Humboldt County. As the governing body of Gilmore City it is the Council's responsibility to maintain a safe and healthy environment for their citizens. The most basic component of a safe and health environment is clean water. With 4,050 head of hogs, 3 miles east and 1 ½ miles north of their city and a manure management site less than one mile from their city well their water is at risk. The well is only 170 feet deep, the water is high in nitrates, and the well is susceptible to runoff. The city added a \$235,000 nitrate filtering system to meet the DNR nitrate standard, which they are now in tolerance but on the high side. An additional influx of nitrates is unacceptable. As the governing body it sometimes seems easier and quicker to read the facts from a packet of papers and or have a conference telephone call, which only includes a few parties but is it better? As a council they feel it is their duty to meet face to face with all concerned parties and only then do they feel they can make an informed and fair decision. She said she had taken the liberty to present only a small portion of the facts involved in this issue so that the Commission can begin to understand that basically the survival of Gilmore City is at stake. Something that important deserves a full face to face hearing.

Connor, Diane (Humboldt County Demand for Hearing)

Diane Connor, 2161 Elm Ave, Gilmore City, Iowa read a letter from the chairman of the Humboldt County Board of Supervisors requesting that the Environmental Protection Commission allow their arguments to be heard at a public in person hearing. The letter stated that it was imperative that they be able to voice their concerns to the Commission in person so that the citizen of Humboldt County can provide their personal statements and visuals, which will provide the Commission with a better understanding of their case. Only with a public in person hearing will the Commission be able to fully understand their case and will all relevant issues be brought to light. The letter was signed Harlan Hanson, Chairman of the Humboldt County Board of Supervisors. Ms. Connor said she was one of 11 families that live within 1 ½ miles from the proposed site so this issue is of utmost importance to her and her family.

Winkey, Deanne (Humboldt County Demand for Hearing)

Deanne Winkey, 2235 Delaware Avenue, Gilmore City, Iowa said her home would be two miles south of the proposed facility. She said she is the third generation to have chosen to live on their farm and to come back to rural Iowa. The community is not large but that does not diminish the seriousness of the issue. They believe strongly that only a person to person meeting will be able to convey to the Commission the unique situation that exists in Humboldt County and the potential for grave consequences if this facility is allowed.

Fallesen, Louie (Humboldt County Demand for Hearing)

Louie Fallesen, RR 1, Gilmore City, Iowa said he was a member of the Humboldt County Board of Adjustment, which unanimously voted to deny the Heartland Pork Hog Factory permit. This action was due to the potential for surface and groundwater contamination relative to the geology

in the area. The geology of this area is very unique to Iowa and perhaps to the United States. In order for the Commissioners to fully understand this situation they would like to request an in person hearing, which will include visuals, testimonials from the public in the area, documented information, and published science.

Horton-Plasket, Elizabeth (Impaired Waters List)

Elizabeth Horton Plasket, Director for the Iowa Environmental Council, located at 711 Locust Street, Des Moines, Iowa said water quality issues in Iowa are the top priority for the council, because of that they have thoroughly reviewed the 303(d) list that was produced by the Department of Natural Resources and she has asked her research director to come to the Commission meeting to address their comments and to look into the future to see how it can work better.

Heathcote, Susan (Impaired Water List)

Susan Heathcote, Research Director for the Iowa Environmental Council (IEC) said there are a lot of dedicated people working within the DNR on water quality protection and restoration issues and as they comment about the inadequacies of the list she did not want anyone to think that it is a comment about the inadequacy of DNR staff. She said IEC has produced 16 pages of comments with regard to the 303(d) list that the department is currently preparing to submit to the EPA. While there were a lot of good things in the Credible Data legislation there are also some restrictions to the listing process that she believes to be inappropriate and that have created some of the problems that occur in the 303(d) list. These restrictions will need to be addressed in order for this listing process to move forward. The IEC has two main areas of concern with this list the first is the delisting of 111 waters that were originally listed in 1998. Many of those water bodies still have problems that have not been addressed and the IEC strongly oppose any removals of waters from the list unless data exists showing those issues have been addressed. She said "Lack of Credible Data" was probably the largest category for the reason for delisting, however many of those water bodies do have solid scientific information that would indicate that they are impaired for their uses and should remain on the list. An example of that is Ingham Lake in Emmet County that was listed for turbidity in 1998. Testing performed by Iowa State University Life Studies shows that it has very low clarity using the Secchi disk in addition, it has problems with nutrient enrichment which adds to the turbidity problem. Another category that was used for delisting was "Flaws in Analysis." One of the examples for that is the Ottumwa Lagoon in the City of Ottumwa, which as a combined sewer overflow that discharges into the lagoon. This body of water is designated for swimming uses, the name has been changed to the Ottumwa Oxbow Reservoir, and it serves as a back up water supply to the City of Ottumwa. This is being proposed for delisting due to flaws in analysis. New Data is another category for delisting, this included two segments of the Iowa River in Wright County that were listed for bacteria in 1998. The Department has proposed to delist it because e coli data from the United States Geological Survey was used, which was not acceptable because their standard was based on fecal coliform bacteria. However later in the meeting the Commission would be asked to consider a rulemaking that changes the criteria from fecal coliform to e coli because it is a better indicator. Data from the University of Iowa Lake Study, a three year study of 132 lakes, was not considered when making up the initial list that went out for public comment. She said while she believed the agency was rethinking their decision it seems to her that there should have been no

question that it should have been included. She said there are waterways in Iowa that have had repeated fish kills, but because of the credible data legislation, the department is not looking at fish kills from manure spills as being a criteria for listing. There are thirteen municipalities in Iowa that have combined sewer overflows that allow discharge of raw sewage into the waters whenever there is a storm event. She believes that issue should be addressed through the impaired waters list. The criteria used for listing surface waters that are used for drinking water sources are quite restrictive. IEC would like to propose a more proactive approach, because a number of the waterways that were listed as threatened for supporting drinking water in the past are no longer being actively used for drinking water. One of the reasons for this is the cost of treatment. When waterways are threatened they should be listed immediately so that the problems can be addressed before they are so severe that the drinking water source can no longer be used. She said she has some concern about the DNR's beach monitoring study, there were five beaches that were identified as having bacteria problems in the past summer that were not included on the impaired waters list, one of them being George Wythe Beach in Waterloo which has been closed since the beginning of August because of repeated problems with bacteria. She said the absence of these beaches from the impaired waters list is unacceptable.

Darrell Hanson asked if under Federal Law there were some restrictions for taking a body of water off the list without evidence that contradicts the original reason it was listed.

Susan Heathcote said that Federal Law requires good cause to remove a body of water from the list.

Darrell Hanson asked when the list would be brought back before the Commission.

Jeff Vonk said once the department has the list completed it will be sent to the EPA who will then react to it and issue the final list for the State of Iowa. The conflict between Federal and State law will most likely be addressed at that time.

Jack Riessen said the department was planning to respond to the public comments received and send the final list to the EPA by the first week in December. The submission to the EPA had been delayed several months because the department had extended the public comment period twice to allow for the completion of the 305(b) report.

Jeff Vonk asked if there was any reason why the final list could not be brought before the Commission if they wished.

Jack Riessen said it would simply delay the formal submission of the list.

Darrell Hanson said the Commission sent it out for comment initially, normally when they send something out for comment, they assume they will see it back before them for a final decision before it goes into effect.

Jack Riessen said it would be on the December agenda.

Jerry Peckumn asked if there was a list of waters that are not impaired.

Jeff Vonk said that it was a complex question because it is based on intended use.

Jack Riessen said there are a lot of water bodies that the department does not have monitoring data for so there is no way to know if they are impaired or not. The department does put together a 305(b) water quality report every two years, which is a more comprehensive document that looks at all data, not just the data that complies with the credible data law. This report is an assessment of whether or not the water body is meeting its designated use.

Jordahl, Erin (Iowa s Impaired Waters List)

Erin Jordahl, Director of the Iowa Chapter of the Sierra Club, 3839 Merle Hay Road, Suite 280, Des Moines, Iowa said they have many of the same concerns expressed by Susan Heathcote and Elizabeth Horton Plasket. She said they are asking that the DNR be adequately funded so that they will not be restricted in creating the cleanup plans for the impaired waters and so that they can monitor more water bodies. They asked the Commission to encourage the department to reconsider the methodology they are using at this time when listing impaired waters. The Sierra club will depend on the EPA to make the necessary changes in the impaired waters list that need to be made, but she asked how many times the State of Iowa would want the Federal government to step in and cleanup their messes.

Jeff Vonk asked if Ms. Jordahl would agree that the department must obey the laws of the state.

Erin Jordahl said she understands that the department is limited by the credible data law but she does not think that all of the concerns with the impaired waters list are related to that law.

DEMAND FOR HEARING - HUMBOLDT COUNTY (NEED FOR SPECIAL MEETING)

Mike Murphy, Bureau Chief for the Legal Services Bureau presented the following item.

Humboldt has notified the Department that it intends to demand a hearing regarding a preliminary determination to issue a permit to D & S Cattle. All necessary documents will not be available in time for the Commission's November 18, 2002 meeting. The Commission's next regular meeting is December 16, 2002, which is more than the allowable 35 days after the Department's anticipated receipt of the hearing demand documents. Therefore, the Commission's rules require that it schedule an electronic meeting satisfying the 35 day requirement. Department legal staff advises that the Commission's rule provision does not limit it to an electronic meeting so that it can schedule a special in-person meeting if it desires to do so. More specific information regarding acceptable meeting dates will be available at the November 18, 2002 meeting.

Mike Murphy said the deadline for a decision in this matter is December 9, 2002.

Kathryn Murphy asked if there was anything in the code that would allow for an extension to the next meeting of the Environmental Protection Commission meeting.

Mike Murphy said that there was no such provision in the code.

Kathryn Murphy asked if there was problem with the Commission having public participation at these hearings as the code does not allow for it.

Mike Murphy said that it was a decision for the Commission, whether or not to include public participation during these hearings.

Lengthy discussion followed regarding the date of the hearing.

Motion was made by Lisa Davis Cook to hold the hearing on December 3, 2002, at 10:00 a.m. at 7900 Hickman Road, Urbandale, Iowa. Seconded by Darrell Hanson. Motion carried unanimously.

Terry Townsend said he thought he would be unable to attend due to a conflict but would check his calendar and let the chairperson know.

**HEARING WILL BE HELD DECEMBER 3, 2002 AT 10:00
AT 7900 HICKMAN ROAD, URBANDALE, IOWA**

Wayne Gieselman introduced Tim Hall, Bureau Chief of the Land Quality and Iowa Geological Survey. He said Tim came to the Department after ten years in the consulting business where he did a lot of work on landfills.

Wayne Gieselman said Marian Maas would be making a presentation later in the meeting that will discuss what happens after a water body is put on the 303(d) list.

PROPOSED RULE -- CHAPTER 116, REGISTRATION OF WASTE TIRE HAULERS (RESCISSION OF OLD, ADOPTION OF NEW)

Wayne Giesleman, Division Administrator for the Environmental Services Division presented the next item.

Attached for the Commission's information is a draft of the Notice of Intended Action to rescind administrative rule Chapter 567-116 "Registration of Waste Tire Haulers" and to adopt a new Chapter 567-116. The commission will be requested to approve this Notice of Intended Action at its December meeting. The request for action on this rule chapter is to improve the current guidelines and requirements relating to waste tire hauling and disposal services, pursuant to requirements set forth in Iowa Code Chapter 455D.11I.

The chapter being proposed for rescission is a direct adaptation of the Secretary of State's rules formerly contained in Iowa Administrative Code Chapter 721-44 "Registration of Waste Tire Haulers." Through Iowa Acts 2002, House File 2554, the responsibility for this registration process was transferred to the department as of April 22, 2002. As the Commission may recall, in order to provide continuity in the issuance of registration certificates to waste tire haulers, the commission approved adoption of emergency rules at its June 2002 meeting. At that time, the Department adopted the Secretary of State's existing rules verbatim with the exception of

references to the authorized agency where “Secretary of State” was replaced with the “department”.

During the development of these rules, Department staff sought input from registered waste tire haulers and a “roundtable” meeting with tire haulers was held in the Wallace building in August 2002. Through that process, the Department presented issues and concerns with the existing requirements, and sought comments, input and suggestions from those participating.

Outcomes of the roundtable meeting indicated support for changes to the rule, specifically in regard to the following areas:

- Locations where tire haulers take tires for final processing, storage, or disposal should be clearly noted and included as part of the registration process.
- Tire haulers should make a semi-annual report to the Department, denoting the quantity of waste tires they have collected.
- No temporary storage of waste tires should be allowed; all tires collected by the waste tire hauler should be promptly transported to permitted facilities for handling.

The new rule incorporates language to address the areas noted during the meeting with the tire haulers, and all registered waste tire hauler’s will be provided with a copy of this rule at the start of the public comment period.

The new rule chapter will complement the Department’s continued efforts in improving the effective management of waste tires in Iowa.

(A copy of the proposed rule is available in the department’s record center.)

Wayne Gieselman asked Jeff Myrom and Mel Pins from the Waste Management Division to brief the Commission on this rulemaking.

Jeff Myrom briefed the Commission on the item. He said the department had received a question regarding farmer’s use of tires in a beneficial manner to weigh down tarps. He said agricultural use is addressed in Chapter 117. It states that if a farmer has less than 250 tires none of the rules apply to him, if he has between 250 and 500 tires he is required to notify the department, and if he has more than 500 tires he is required to have written permission from the department. However if he has the tires “bagel cut” so that the tire so that the tire will not collect water the number of tires he can have is not limited.

Mel Pins said that once a tire is cut it is a processed product and is no longer considered solid waste.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

NOTICE OF INTENDED ACTION CHAPTER 108, REUSE OF SOLID WASTE (RESCISSION); CHAPTER 108 BENEFICIAL USE DETERMINATIONS: SOLID BYPRODUCTS AS RESOURCES & ALTERNATIVE COVER MATERIAL (ADOPTION).

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is provided the attached Notice of Intended Action for the rulemaking described therein. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for the beneficial use of solid waste are being revised as directed by the Governor's Executive Order No. 8. The beneficial use chapter establishes rules for determining when a solid byproduct is a resource and not a solid waste. The chapter also encourages the utilization of solid byproducts as resources when such utilization improves, or at a minimum does not adversely affect, human health and the environment.

Numerous solid byproducts that present low or negligible risk are produced in Iowa in high volumes. These materials include, but are not limited to, coal combustion byproducts, foundry sand, and papermill sludge. Such byproducts need not be disposed of in a sanitary landfill, unnecessarily utilizing permitted disposal air-space, if safe and economical beneficial use alternatives exist. This chapter defines universally approved beneficial uses based on the Department's previous permitting experiences, and the application process for new beneficial uses.

These rules were developed in conjunction with an advisory committee consisting of industrial waste generators, engineers, industrial waste users, IDNR field office staff, the Iowa Waste Exchange, and ISOSWO. Furthermore, additional guidance was solicited from other states, the U.S. Department of Energy, and the U.S. EPA.

(A copy of the notice of intended action is available in the department's record center.)

Jeff Myrom briefed the Commission on the notice of intended action and said the public hearing for this rule would be held on January 8, 2002 at 10:00 a.m. in the fourth floor conference room in the Wallace Building.

Motion was made by Jerry Peckumn to approve the notice of intended action for Chapter 108 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE CHAPTER 103, SANITARY LANDFILLS (RESCISSION); CHAPTER 103, SANITARY LANDFILLS - COAL COMBUSTION RESIDUE; CHAPTER 112, SANITARY LANDFILLS - BIOSOLIDS MONOFILLS; CHAPTER 113, SANITARY LANDFILLS - MUNICIPAL SOLID WASTE; CHAPTER 114, SANITARY LANDFILLS - CONSTRUCTION & DEMOLITION WASTES; AND CHAPTER 115, SANITARY LANDFILLS - INDUSTRIAL MONOFILLS (ADOPTION); CHAPTER 100, SCOPE OF TITLE DEFINITIONS FORMS RULES OF PRACTICE; CHAPTER 102, PERMITS, CHAPTER 109, SPECIAL WASTE AUTHORIZATIONS; AND CHAPTER 111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE

LANDFILLS (AMENDMENTS); CHAPTER 110, DESIGN, CONSTRUCTION AND OPERATION STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES (NAME CHANGE TO *HYDROGEOLOGIC INVESTIGATION AND MONITORING REQUIREMENTS*),.

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the final rulemaking described therein. The Notice of Intended Action of this rulemaking was approved by the Commission at its August 2002 meeting. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for sanitary landfills affect a multitude of stakeholders and are some of the most complex rules overseen by the department. Sanitary landfills include municipal solid waste (MSW) landfills, construction & demolition waste landfills, industrial monofills, coal combustion residue landfills, and municipal sewage sludge (i.e. biosolids) landfills. These sanitary landfills are currently regulated by IAC Chapters 102 (Permits), 103 (Sanitary Landfills), and 110 (Design, Construction And Operation Standards For Solid Waste Management Facilities).

As directed by the Governor's Executive Order No. 8, the Bureau will be revising the rules pertaining to the permitting, design and operation of all sanitary landfills. The Bureau does not believe that the sanitary landfill chapters can successfully be revised if taken on in whole due to the large number of stakeholders and the variety of sanitary landfills covered by the current IAC Chapters 102, 103, and 110. Therefore, the first stage in the landfill chapter revision process is to break out the current requirements by landfill type without making any changes to actual rule requirements. In other words, 'cut-and-paste' current chapters 102, 103, and 110 into the following new administrative code chapters:

- 103, Sanitary Landfills: Coal Combustion Residue**
- 112, Sanitary Landfills: Biosolids Monofills**
- 113, Sanitary Landfills: Municipal Solid Waste**
- 114, Sanitary Landfills: Construction & Demolition Wastes**
- 115, Sanitary Landfills: Industrial Monofills**

No rule requirements have been changed during this transition. Current rules are merely copied into the new chapters as they apply.

As part of this rulemaking, current Chapter 110, "Design, Construction and Operation Standards For Solid Waste Management Facilities" is renamed Chapter 110, "Hydrogeologic Investigation and Monitoring Requirements" which is a more accurate description of the regulatory requirements described therein. The rulemaking also corrects and updates several references in these chapters, and removes references that are no longer applicable. In addition, references to the chapters described herein contained in other solid waste related rules within Chapters 100, 102, 109, and 111 are revised to reflect this rulemaking. Again, these changes and revisions do not affect or change any of the current regulatory requirements, and the Energy & Waste Management Bureau believes they are the minimum administrative code editing changes necessary.

A public hearing was held on October 8, 2002 and no one attended. No written comments were received either. Thus, a responsiveness summary was not published and no changes were made to the proposed rule.

(A copy of the Final Rule is available in the department's record center.)

Jeff Myrom briefed the Commission on the rule changes. He said in response to Scott Smith's comments that morning the department will do another mailing to all permit holders to let them know where they can find the rules that apply to them.

Kathryn Murphy said she feels it has been very beneficial to include the stakeholders when making rule changes.

Motion was made by Lisa Davis Cook to approve the final rule for the waste management rule changes as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT REED, STOWE & YANKE - ILLEGAL DUMPING PREVENTION & RESPONSE WORKSHOPS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Issue & Project Description

The illegal disposal of solid waste presents serious environmental and public health problems. Specifically, state and local government officials in Iowa are increasingly concerned with the problems and effects of illegal dumping. The indiscriminant dumping of old appliances, tires, construction debris, and other solid wastes and hazardous substances has far reaching affects on the environment, quality of life in communities, and the appearance of Iowa's landscape. In March of 2002 more than 400 municipal and county authorities responded to a department survey related to illegal dumping; survey results indicated that local authorities consider illegal dumping to be a significant problem, and that more must be done at the state and local level to address this issue.

In an effort to provide tools and solutions to local governments for combating illegal dumping, the Energy & Waste Management Bureau recently issued a request for proposals (RFP) to seek a qualified contractor for the hosting of six (6), one-day regional workshops across Iowa, combined with two (2) "executive summary" presentations to government or civic associations. Within the context of the workshops, the contractor will develop a user-friendly guide for establishing local illegal dumping enforcement and response initiatives, to include the development of a "model ordinance", formatted to be readily adaptable at the municipal or county level.

The Commission is requested to review and consider approval of the attached contract with Reed, Stowe, & Yanke, Austin, Texas in the amount of \$69,233.85. Funds for the project will be from the solid waste alternatives program (SWAP). SWAP's advisory committee has designated this illegal dumping initiative as a "targeted project"; the committee's membership is composed of citizens and industries involved in waste management and recycling in Iowa.

Request for proposal process

The Energy & Waste Management Bureau issued the RFP in August of 2002 to solicit services from qualified firms for this project. A total of six (6) bidders responded to the RFP:

- Barker Lemar/Keep Iowa Beautiful, Des Moines
- HDR Engineering, Omaha, NE
- Midwest Assistance Program, New Prague, MN
- Reed, Stowe & Yanke, Austin, TX
- State Public Policy Group, Des Moines
- Tetra Tech EM, Inc., Cedar Rapids

A selection committee of two (2) staff from the Energy & Waste Management Bureau, along with one (1) staff person from the Field Services Bureau Office #4 in Atlantic, reviewed the proposals. The review and scoring process incorporated a 100 point evaluation scale, with 30 possible points based on the price competitiveness of the bid, and 70 possible points determined from the bidders' qualifications, references, and their involvement in public policy work and training initiatives related to illegal dumping. A summary of review scores for all bidders is listed below:

BIDDER REVIEW SCORE SUMMARY

| Bidder | Bid Price | Technical Score | Price Score | Overall Score |
|--|------------------|------------------------|--------------------|----------------------|
| Barker Lemar / Keep Iowa Beautiful | \$61,460.00 | 30 | 29 | 59 |
| HDR Engineering, Omaha, NE | \$74,136.00 | 41 | 24 | 65 |
| Midwest Assistance Program New Prague, MN | \$58,724.00 | 43 | 30 | 73 |
| Reed, Stowe, & Yanke Austin, TX | \$69,233.85 | 59 | 25 | 84 |
| State Public Policy Group Des Moines, IA | \$63,565.00 | 27 | 28 | 55 |
| Tetra Tech EM, Inc. Cedar Rapids, IA | \$67,523.00 | 54 | 26 | 80 |

Average Bid Price: \$65,773.66

Selected Bidder

Reed, Stowe & Yanke received the highest review score (84 out of 100 points), and was selected as the recommended contractor for this project. Recommendation of this firm for the contract award is based upon the following factors:

- The contractor has significant experience in assisting local and state governments in developing and implementing solutions to their illegal dumping problems, including involvement and research with more than 100 illegal dumping programs throughout the nation.
- The contractor has successfully completed training workshops for local governments on illegal dumping issues, most recently through a contract with the Missouri Department of Natural Resources for twelve (12) regional workshops in 2001-2002.
- The contractor has completed many other studies and training workshops for cities, councils of governments (COGs), and state regulatory agencies concerning illegal dump site characterization, developing profiling of typical illegal dumpers, and implementing solutions and programs.
- The contractor has a 15-year history of work in a variety of environmental planning and policy areas, including solid waste fiscal planning, public policy, and solid waste cost of service and rate design studies.
- The contractor has completed successful work for this department in the past, including previous contracts for local government workshops on the economics of determining solid waste fees, and most recently, a study on Iowa DNR permit fees structures for solid waste permitting.

Subject to the Commission's approval, the department will issue a contract to the successful bidder, and the workshops will be held in the spring of 2003. The workshops will be one part of a concerted effort by the department to reduce the frequency and impact of illegal dumping.

Jeff Myrom briefed the Commission on the contract. He said that Reed, Stowe, and Yanke had extensive experience in dealing with illegal dumping.

Motion was made by Jerry Peckumn to approve the contract with Reed, Stowe, and Yanke as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT AURA CONSULTING ONE STOP PROJECT MANAGER

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the attached contract for services between the Department and AURA Consulting, to provide project management and information technology expertise for implementing the One Stop grant from the Environmental Protection Agency (EPA). The contract amount is not to exceed \$50,000 for the period October 2002 through February 2003. This expenditure will result in the coordination and initial implementation of One Stop, including:

- The AURA Project Manager will oversee all One Stop related project tasks, chair meetings and prepare weekly progress reports.
- AURA will make recommendations on the infrastructure for integrating DNR's environmental facility databases, including architecture, hardware and software.
- AURA will develop a scope of work and begin coordination for:
 - Producing the five-year plan to reform Iowa DNR's environmental reporting and data management
 - Preparing for the baseline visit from EPA
 - Preparing DNR's application for the One Stop Readiness Grant (\$400,000 grant application to EPA).

Background

DNR received a \$500,000 One Stop grant from EPA in August to:

- Develop a five-year plan to reform environmental reporting and data management in Iowa
- Design and develop an environmental facilities database to link the various environmental program databases, based on a facility's site location.

This is part of a long-term effort by EPA to develop an overall environmental reporting and data management "system" that serves all stakeholders, including the public, regulators, and industry. Building blocks of One Stop include: burden reduction, data integration, involving stakeholders, electronic reporting, and public access.

Iowa joins more than 30 other states who have already received this grant. Many have already linked their databases and are beginning new streamlined approaches for exchanging data with EPA and industry. Linking data will provide smarter, more efficient environmental management. It also lays the foundation for electronic reporting and Internet access to data long buried in DNR files.

Contractor Selection

DNR followed the Department of General Services process for a mini-bid which enables state agencies to work with consultants certified through the Invitation To Quality (ITQ) process. DNR sent copies of the proposal to eight consulting firms. After reviewing 13 resumes, six were selected to complete an initial written assessment of six questions. After reviewing these three-page written assessments, three people were selected for interviews. John Bridenstine from AURA Consulting scored the highest, and the interview team recommends him to be the One Stop Project Manager.

John Bridenstine of AURA Consulting, Inc. has the unique combination of qualifications needed for this large-scale planning and integration project. His certification as a Project Management Professional, combined with excellent communication and planning skills and a proven track record of accomplishments in long-range, large-scale projects make him uniquely qualified. His responses on the written initial assessment and interview demonstrated extensive research into our specific project and resulted in a useable initial strategy that reflects the realities of this complex project. DNR needs a project manager immediately in order to meet the schedule set out by the EPA grant process. Combined with the proven ability of Aura Consulting to bring in other subject expertise quickly as needed, makes Mr. Bridenstine obviously most qualified.

No general fund monies will be used to meet these obligations. The source of funding for the project is the One Stop grant from EPA.

At this time, the Department requests Commission approval to enter into a contract with AURA Consulting for a One Stop Project Manager.

Wayne Giesleman said this is an important project for the department. EPA has a nationwide program underway to help states update their databases and make them work better with their systems. The department received a \$500,000 grant from EPA spread out over a five year period to work on this project.

Motion was made Gary Priebe to approve the contract with Aura Consulting as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION VAN METER DEVELOPMENT CORP. JOINT VENTURE; C. DAVE ALBRIGHT

Mike Murphy, Bureau Chief for the Legal Services Bureau presented the following item.

On November 30, 2001, the department issued Administrative Order No. 2001-WW-45 to Van Meter Development Corp. Joint Venture, and C. Dave Albright. That action required the parties to comply with storm water permit requirements and pay a penalty of \$4,000. That action was appealed by the parties, and the matter proceeded to administrative hearing on September 25, 2002. The Administrative Law Judge issued a Proposed Decision on October 18, 2002. The decision affirms the Order, with the exception of reducing the penalty to \$2,000.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said this case involved the developer's failure to renew and maintain the required storm water discharge permit. He said the decision was one month ago and he had not yet received an appeal of the decision.

Kelly Tobin asked if the developer had demonstrated cooperation after the decision.

Mike Murphy said that after the hearing the developer paid the back fees and renewed the permit.

NO ACTION TAKEN

PROPOSED CONTESTED CASE DECISION SAPP BROS. TRUCK STOPS, INC.; I29 & HWY 2 SID, L.L.C.

Mike Murphy, Bureau Chief for the Legal Services Bureau presented the following item.

On March 4, 2002, the department issued Administrative Order No. 2002-WS-10 to Sapp Bros. Truck Stops, Inc.; the Order was amended on October 16, 2002 to include I29 & Hwy 2 SID,

L.L.C.. That action required the parties to comply with public drinking water supply permit requirements and pay a penalty of \$10,000. That action was appealed by the parties, and the matter proceeded to administrative hearing on October 18, 2002. The Administrative Law Judge issued a Proposed Decision on November 1, 2002. The decision affirms the Order, with the exception of reducing the penalty to \$8,000.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said this case involves a relatively large truck stop and other commercial enterprises on the interstate interchange where a drinking water system was constructed and operated without the required permits. The department took this as a serious matter due to the number and types of people served by this system. He said it was the owner's position that he had turned everything over to the professionals and had expected them to do their job.

| |
|------------------------|
| NO ACTION TAKEN |
|------------------------|

Gary Priebe asked if the responsibility falls to the person who hires the professional in these types of instances.

Mike Murphy said that as far as the department is concerned it is the business owner's responsibility to make sure they are in compliance; however the business owner may have some legal recourse against the professional. This is the reason the department sends all correspondence to both the facility owner and the engineer.

NOTICE OF TERMINATION CHAPTER 65, ANIMAL FEEDING OPERATIONS (INTERIM MATRIX)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

At its July, 2002 meeting the Commission approved the interim matrix and associated definitions, as outlined in 2002 Iowa Acts, Senate File 2293. The Commission authorized the "double-barrel" approach, meaning that both emergency rule making and regular rule making processes were implemented simultaneously. Accordingly, the interim matrix became effective on July 23, 2002 (Adopted and File Emergency; ARC 1899B), and the regular rule making process was also initiated to allow for public comment (Notice of Intended Action published on August 21, 2002, as ARC 1878B). No comments were received during the public comment period or at the public hearing on September 10, 2002. Therefore, no changes are necessary to the rule provisions already in effect and the Commission is requested to terminate the regular rule making portion (ARC 1878B) of the "double-barrel" approach.

Robin Pruisner said the department began the rulemaking process for the interim matrix at the same time they filed an emergency rulemaking. This was done in case the rules review

committee did not approve the emergency rulemaking. However because the emergency rulemaking did go through and there were no comments received during the public comment period the department is terminating the regular rulemaking process.

(A copy of the notice of termination is available in the department's record center.)

Motion was made by Darrell Hanson to approve the termination of rulemaking for Chapter 65 as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 65 ANIMAL FEEDING OPERATIONS (COUNTY CONSTRUCTION EVALUATION RESOLUTIONS)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve rules for the implementation of county boards of supervisors' construction evaluation resolutions, to give counties the authority to evaluate proposed confinement livestock structure construction in their county. County construction evaluation resolutions, as outlined in Senate File 2293 passed by the 2002 Iowa legislative body, allow counties to score the proposed livestock confinement sites with the master matrix. The master matrix was developed by a committee of 10 as designated by the legislation and approved by the Commission for Notice of Intended Action at its October meeting. If the proposed site does not attain a minimum score on the master matrix, the confinement structure will be denied a construction permit if the DNR agrees with county's evaluation, pending an applicant's right to appeal.

The master matrix, as defined in SF 2293, is a rating system where proposed livestock confinement operations are evaluated on their site location, socio-economic and implementation of "good neighbor" best management practices. The master replaces the interim matrix on March 1, 2003.

To address the issues raised by the public comments, two versions of the proposed rule amendment have been included. ITEM 1 is a rule document which would retain language that was first proposed to the Commission in August of 2002. ITEM 2 is an alternative rule document in which the rule language has been modified in response to public comment. The modifications in the text are highlighted with underline and strikethrough text to indicate what has been added and deleted. (This highlighting will not be included in the rule document filed with Rules Coordinator) The Commission is asked to consider the public comments and make a final decision between items 1 and 2, as well as any other rule language modifications that may be suggested by the Commission.

(A copy of the Final Rule and the revision distributed at the meeting is available in the department's record center.)

Robin Puisner said the first version of the rule is exactly as it had been presented to the Commission for the notice of intended action. The second version is based upon the public comments received and discussion with some of the legislators and stakeholders that would be affected by this proposed rule. She briefed the Commissioners on the changes in the second version. She said the Attorney General's office originally helped the department develop the language for the proposed rule. The department had interpreted the intent of the statute to be that once a county signed the County Construction Review Resolution that they would be required to apply it to every permit that had been submitted to them. The Attorney General however does not believe that the statute allows the department to require the counties to apply the matrix to every permit. She said she went to the Administrative Rules Review Committee after receiving the Attorney General's opinion and was told by four of the original twelve legislators who developed the statute that their intent was to require the counties to use the matrix on all permits once they signed the resolution. In further conversations with the Attorney General another version of the language was suggested. Robin Puisner distributed a revised version of the language for that states if the county fails to evaluate a construction permit using the master matrix then the county would automatically rescind their resolution to use the matrix until the next enrollment period.

Lisa Davis Cook asked if the Iowa Association of Counties (ISAC) had expressed an opinion on the revision that has been suggested.

Robin Puisner said ISAC has in fact drafted a resolution that the counties could use when they sign up to use the matrix, in that resolution they state "We resolve to employ the matrix on all construction permits."

Darrell Hanson said that he had spoken to an ISAC representative and was told that regardless of what the statute says they will be advising their counties to use the matrix consistently.

Lisa Davis Cook asked if the citizens of a county can submit comments to the DNR if the county has signed the resolution but chooses not to apply it.

Robin Puisner said that citizens are always allowed to submit comments but the comments have to go through the County Board of Supervisors before the department is required to respond to them.

Mike Murphy said that in practice when the department receives comments from anyone in a timely matter they do try to respond to them.

Kathryn Murphy said she has a lot of concerns about the matrix in general but it bothers her that a county could pick and choose who they apply the matrix to.

Robin Puisner said that the legislators that drafted SF2293 have asked her to meet with them in mid December to discuss whether or not there are any changes that need to be made to SF2293.

Jerry Peckumn asked if a county fails to send the department a recommendation due to an error would they also rescind their rights to use it on future permit applications.

Robin Praisner said regardless of the reason the Department would disregard adopted recommendations from that county for the remainder of the year.

Jerry Peckum asked if the department would run the matrix if the county chooses not to.

Robin Praisner said they would not.

Darrell Hanson asked if counties would still have their rights to appeal a proposed permit if they have not signed the resolution.

Discussion followed as to what the statute requires.

Robin Praisner read the following section from the statute; "A county board of supervisors that has submitted an adopted recommendation to the department, may contest the department's decision by requesting a hearing before the Commission." She explained that an adopted recommendation can only be submitted by the county if they have signed the County Construction Review Resolution.

Darrell Hanson said it had been his interpretation that a county who does not sign a resolution would still be able to use the current appeals process and if that is true the language that is suggested in the revision appears to rule out that possibility, which he would not agree with.

Kathryn Murphy suggested that the Commission continue the discussion on the item until after lunch break.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief for the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Vessel Systems, Inc. [Dubuque] air quality penalty collection.

Mike Murphy said this case involves the nonpayment of a penalty assessed in an Administrative Order in March to Vessel Systems, Inc. The issues dealt with the failure to obtain air quality construction permits. The department did not receive an appeal to the order or payment of the penalty within the time prescribed. The department sent them a notice that the matter would be presented to the Commission for referral to the Attorney General. At that time, Vessel Systems contacted the department initially claiming not to have received the order. The department provided them with a copy of the signed receipt from the certified mailing. Vessel Systems requested an appeal at that time and was told that the deadline for the appeal period had expired.

but they could write a letter stating their position, which they did. The department informed them that an appeal could not be granted but in the interest of getting the matter resolved offered to reduce the penalty, which Vessel Systems said was still too high. Vessel Systems made a small counter offer which the department did not accept. The department is requesting that Vessel Systems be referred to the Attorney General.

Kelly Tobin asked if Vessel Systems had demonstrated cooperation lately.

Mike Murphy said Vessel Systems ultimately went through Iowa Waste Reduction Center to get their construction permit applications in. The applications have been received and are currently being reviewed by the department's engineers.

Heitritter, Ellie, (Vessel Systems, Incorporated Referral)

Ellie Heitritter said while they admit that there had been a mistake made it had not been intentional. She said they are a small business, consisting of fewer than thirty employees. One of their managers received the documents while the other was working with Iowa Waste Reduction and they were under the impression that an extension had been granted and that it was for everything. She said because it was a simple misunderstanding they asked the department if everything could be backed up a step and were told that they needed to go before the Commission. She said they have complied with everything that they were asked to do. They were unable to find documentation on applying for the permit years ago; there had been several people involved in it at that time but she said they will take fault for it if necessary. As soon as they had found that Iowa Waste Reduction was a free service that could help them they asked for their assistance. She said they did not at any time harm the environment by putting pollutants in the air. When installing their system, an engineering firm was used, the proper filtration was used, and they have been able to document and substantiate that. She said Vessel Systems is asking that the Commission consider waving the fees, as they are looking to relocate at this time. The building where they currently reside is a lease and they would like to concentrate their time and effort in that direction.

Kelly Tobin asked Mrs. Heitritter to explain the nature of their business.

Ellie Heitritter said they are a manufacturing company that makes pressure vessels that are typically used by water treatment facilities.

Kelly Tobin asked if the tanks were made out of plastic.

Ellie Heitritter said they were made from carbon steel.

Darrell Hanson asked if it was the president of the company who received the notice of violation with the time period for appeal.

Ellie Heitritter said it was and at the same time she had been working with Iowa Waste Reduction to get the extension. She said she had been asked if they had received the extension to which she answered yes and the person who received the notice of violation thought everything had been taken care of.

Kelly Tobin asked Ms. Heitritter if they had fixed what had been wrong..

Ellie Heitritter said they were supposed to have filled out a piece of paper before installing an exhaust system. However it is her understanding that the filtration system does meet DNR standards so it was never an issue that they were not doing it properly, it was just the piece of paper that several years ago should have been filled out.

Darrell Hanson said the Commission sees several referrals a year for people who receive notices and do not file an appeal. One thing they have to consider as a Commission is what the overall ramification of their decisions are. If the Commission allows an appeal which is not allowed for by the rules, it would affect all of the people who took the department rules to mean what they say they mean.

Dickenson, Rick (Vessel Systems, Inc. Referral)

Rick Dickenson, Director of Greater Dubuque Development in Dubuque, Iowa said he was there on the behalf of his community in supporting Vessel Systems. Vessel Systems is a valued employer in the community, they purchased a firm that had shut down operations in 1994 for over a year. He said they are working with the company to relocate to a facility that will better meet their needs and would like them to be able use the resources they have to do it. He said there was no attempt to deceive; it was simply a failure to deal properly with the paperwork. He said he was asking there to be no fine.

Jeff Vonk said it is his understanding that it is not up to the Commission at this point to decide whether or not there is to be a fine. He said that would be something that could be negotiated after the Commission decides whether or not they will grant the untimely appeal.

Darrell Hanson said that negotiation can still take place in the referral process.

Motion was made by Lisa Davis Cook to go into closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss matters that may be likely to prejudice or disadvantage the DNR s position. Seconded by Gary Priebe. Roll call vote went as follows: Darrell Hansen Aye; Gary Priebe Aye; Kelly Tobin Aye; Terry Townsend Aye; Jerry Peckumn Aye; Lisa Davis Cook Aye; Lori Glanzman Aye; Kathryn Murphy Aye. Motion Carried Unanimously.

CLOSED SESSION

The Commission returned to open session at 1:43 p.m.

Darrell Hanson said there is a real danger in considering an appeal when the rules say the Commission does not consider appeals. It would set a precedent that the deadline for an appeal can be negotiated. This does not mean that he feels Vessel Systems deserves an extremely high penalty.

Terry Townsend said regardless of how small a business is they need to recognize that there are associations out there that can help them so they do not have to hire an environmental engineer. However, just as you need to know the IRS rules, you need to know what the environmental rules are for your company and you need to make sure you are meeting them.

Motion was made by Gary Priebe to refer of Vessel Systems, Inc with a recommendation that the penalty not exceed \$5,000. Seconded by Darrel Hanson. Motion carried unanimously.

REFERRED

FINAL RULE - CHAPTER 65 ANIMAL FEEDING OPERATIONS (COUNTY CONSTRUCTION EVALUATION RESOLUTIONS)

Robin Puisner said if the county board of supervisors has not submitted a signed County Construction Review Resolution they may still submit comments to the department on a permit application. However it was her interpretation that the legislators had put incentives for the counties to adopt the resolution, one being the ability to accompany the department on the site inspections and the other is the ability to contest the department decision. She said there is a specific rule that deals with the county's ability to appeal a department decision, which is currently in the public comments period of the rulemaking process.

Darrell Hanson said the reason the appeal issue is important to him with regard to this rulemaking is because if a county adopts the matrix and for what ever reason they mess up and do not send an adopted recommendation to the department, the county would have no mechanism for appealing permits for any reason for the remainder of the year.

Robin Puisner said this issue could be tabled for a month.

Jeff Vonk asked if the department would be far enough into the process of the other rulemaking to be able to answer Commissioner Hanson's questions.

Robin Puisner said the public comment period for that rule package ends December 6 and the delay would allow the department time to discuss the issue.

Jeff Vonk said the department would prepare a briefing document on how the other rule package and this one would integrate.

Motion was made Gary Priebe to table the Final Rule for Chapter 65 until the December 16, 2002 meeting. Seconded by Terry Townsend.

Darrell Hanson said he believes the question would be whether or not statutory ability of the counties to appeal a permit has been repealed for those counties who do not adopt the matrix.

Lisa Davis Cook asked if the section of the code that gave the counties the right to appeal had been amended by SF2293.

Mike Murphy said section 29 of SF2293 repeals sections 5 through 8 of the current statute, which include the county involvement.

Jeff Vonk said the reason the rules are so complicated is because they have the Attorney General opinion that says the counties can use the matrix when they want to, and they have four of the twelve legislators that developed the statute that have said their intention was not to allow counties to pick and choose once they have signed the resolution. The department is trying to craft a rule that will withstand some level of legal challenge while trying to meet the intent of the statute.

Motion to table carried unanimously.

TABLED UNTIL DECEMBER 16, 2003

PROPOSED RULE: CHAPTER 61, WATER QUALITY STANDARDS AND CHAPTER 72, CRITERIA FOR APPROVAL

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be presented with proposed changes to the state's water quality standards (WQS). These changes are being proposed as part of the ongoing review of Iowa's WQS in cooperation with an ad hoc WQS Technical Advisory Committee (TAC).

The proposed NOIA will initiate action to:

- Change the current Class A use from a single use designation of primary contact recreation to three designations as follows: Class A1 - Primary Contact Recreational Use, Class A2 - Secondary Contact Recreational Use, and Class A3 – Children's Recreational Use. The new designations are being proposed at the recommendation of the TAC to more accurately assess and designate the actual uses of waterbodies. The existing Class A waters will be reassigned to one of these new use designations.
- Establish numerical criteria for bacteria using *E. coli* as the indicator bacteria and change the time period the standards apply. Using *E. coli* as the indicator bacteria is considered to be a more accurate method of predicting pathogenic risk to humans due to recreational uses than fecal coliform bacteria, the current standard. The bacteria criteria discussed above will only apply when the designated recreational use is present and the recreational season for most waters will be changed from April 1 through October 31 to March 15 through November 15. For coldwater trout streams (Class B CW) or high quality (HQ) streams, recreation is assumed to occur the entire year and the bacteria standards will apply throughout the year. In addition, the rule-referenced document entitled "Supporting Document for Iowa Water Quality Management Plans, Chapter IV", July 1976, as revised in March 2003, will also be modified to reflect the new bacteria criteria and associated implementation details.
- Provide for a separate, rule-referenced document listing the use classifications of all waters currently listed in subrule 567 - 61.3(5), Surface Water Classifications. This action was recommended by the administrative code editor to ease maintenance and access of the list.

Any future changes to the water body uses as provided in the rule-referenced document will still require EPC and EPA approval. The locations and or names of several waterbodies will also be corrected and clarified in the process.

- Correct and clarify the locations and or names of several waterbodies in subrules 567 - 61.2(2), Antidegradation Policy, and subrule 72.50(2), List of Protected Streams.

Staff would also like to discuss with the Commission the assessment protocol that will be used to determine what waterbodies will be designated as Class A1, A2 or A3 waterbodies. Most existing Class A waters will be re-designated as Class A1 waters in the proposed rule, but some streams (e.g., small coldwater trout streams and small urban streams) may be reclassified either as A2 or A3. It is expected that as additional streams are assessed in the future, many more waterbodies will be considered some type of Class A water body, with most of the additions being A2 or A3 waters. The staff would like the Commission's input on the assessment protocol being developed prior to finalizing the NOIA that will be presented for the Commission's approval in December.

(A copy of the information packet distributed at the meeting is available in the department's record center.)

Jack Riessen said currently the use classifications are Class A, Recreational Water Uses; Class B, Aquatic Life Uses; and Class C, Drinking Water Uses, the department is proposing to subdivide Class A with this rulemaking. He cited an example of the need for the changes. In Ames there was a small creek that runs through a residential area. Residents told the department that their children played in the creek even though it had not been classified as a Class A water because people did not swim in it. The stream contained high levels of fecal coliform bacteria, but because the stream was not considered a Class A stream, it did not violate water quality standards. Under the proposed changes, Class A1 would be primary contact recreational use which is very similar to what Class A is now, A2 would be a secondary contact recreational use such as trout streams, where contact with the water is either incidental or accidental, and A3 would be children's recreational use such as smaller streams in urban areas where there is a likelihood of children playing in the water. He said the second major change for this rulemaking is changing the bacteria indicator standard from fecal coliform to e coli. This is being done because it is believed that e coli are more representative of a human pathogenic risk than fecal coliform. He said while the numbers would change a little it is considered to be the same level of risk. He said Ralph Turkle would discuss the department's assessment protocol that is used when determining the use classification for a body of water.

Ralph Turkle said the "Assessment Protocol" had been given to Commissioners as part of the information packet that had been distributed earlier. He said this was a tool that was used by the staff to determine the use designation of a body of water. This is not meant to evaluate whether or not the use is being obtained it simply determines whether or not the use is warranted. He said he would be willing to come back at a later time to review it in more detail if the Commission wished.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

CONTRACT UNIVERSITY HYGIENIC LABORATORY - 2003 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for the FFY 2003 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's water and land quality programs. Air quality and ambient water quality monitoring, analytical services and reporting are covered by separate agreements. This agreement includes compliance sampling of waste water treatment plants, analyses of field samples, water supply monitoring and reporting; analytical work related to the underground storage tank and uncontrolled sites programs; and programming services for the waste management division.

The primary difference between the proposed 2003 agreement and the 2002 agreement is the addition of four employees contracted through UHL. Three of these positions will be funded by the Energy and Waste Management Bureau and one will be funded through the Communications Bureau. A special study of arsenic in Iowa is also included in the water supply monitoring. Other than these changes, no major items or tasks were added or dropped as compared to 2002.

The amount of the agreement is estimated at \$554,506. Attached is a summary of the projected costs broken down by program areas. In general, the UHL monitoring/analysis costs have not been increased over 2002 levels. The funds for the agreement will come from various EPA grants and fees paid to the Department.

Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by such agencies.

| DESCRIPTION | FIXED PAYMENT AGREEMENT AMOUNT * | VARIABLE PAYMENT AGREEMENT ESTIMATE ** |
|--|--|---|
| Water Quality Monitoring (Article 3.1) | | |
| Compliance Sampling Inspections (CSI) | 53,248 | |
| Field Support Sample Analysis | 66,680 | |
| Fish Kill Sample Analysis | | 3,000 |
| Emergency Response | 15,600 | |
| Fish Tissue Monitoring | | 1,000 |
| Storm Water Runoff Sampling | | 5,000 |
| Subtotal | 135,528 | 9,000 |
| Water Supply Monitoring (Article 3.2) | | |
| Monitoring for Compliance | | 4,250 |
| Monitoring for Technical Assistance | | 2,890 |
| Reporting UHL analytical data | | 39,980 |
| Reporting non-UHL analytical data | | 32,710 |
| Arsenic Study | | 9,080 |
| Subtotal | | 88,910 |

| DESCRIPTION | FIXED PAYMENT AGREEMENT AMOUNT * | VARIABLE PAYMENT AGREEMENT ESTIMATE ** |
|--|--|---|
| Leaking Underground Storage Tanks (Article 3.3) | | 20,000 |
| Waste Monitoring (Article 3.4) | | 70,000 |
| Waste Management Assistance (Article 3.5) | 6,500 | |
| Program Assistant (Pollution prevention) | 58,565 | |
| Project Assistant (Solid Waste) | 37,206 | |
| Program Assistant (Public Information) | 36,047 | |
| Subtotal | 138,318 | |
| Information and Education | | |
| Applications Development and Support | 51,675 | |
| Subtotal | 325,521 | 187,910 |
| Indirect Cost (8%) | 26,042 | 15,033 |
| TOTAL OF COLUMNS | 351,563 | 202,943 |
| TOTAL OF BOTH COLUMNS | 554,506 | |

* The amounts in this column will be divided up into four quarterly payments. They are not expected to change during the contract period.

** The amounts in this column are to be billed to the Department on a monthly or quarterly basis. The total amount may change during the contract period. These are only estimates of the final values.

Jack Riessen said at one time all of the air and water quality monitoring on the same contract, once they were separated there were several items left over, which is what this contract is for.

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Darrell Hanson.

Gary Priebe asked if the contract was based on a number of items.

Jack Riessen referred to the budget breakdown on the agenda brief and said the contract involves two types of payments. The fixed payment agreement amounts are for items the department can be fairly sure will be performed a certain number of times. Under the variable payment agreement items, the lab is paid only for the items they perform.

Motion carried unanimously

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 22, CONTROLLING POLLUTION (DEFINITION OF STATIONARY SOURCE CATEGORIES)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the proposed amendment to Chapter 22, "Controlling Pollution," Iowa Administrative Code (567).

This rulemaking modifies the definition of "*stationary source categories*" as it relates to the Title V program to make the operating permit definition consistent with other EPA air pollution permitting programs. The U.S. EPA has requested this change.

The Notice of Intended Action was published as IAB Vol. XXIV No. 25 (6/12/2002) p. 1975, ARC 1710B. A public hearing was held on July 11, 2002, at the Air Quality Bureau in Urbandale. The comment period closed on July 26, 2002. No oral and written comments were received pertaining to the proposed rules. The adopted rule is the same as presented in the notice of intended action.

(A copy of the final rule is available in the department's record center.)

Doug Campbell, Supervisor for the Operating Permit section of the Air Quality Bureau said this rulemaking requires that fugitive emissions be included in the calculation toward major source classification.

Gary Priebe asked if including the fugitive emissions made the regulations tougher.

Doug Campbell said it may cause more sources to be subject to the operating permit program.

Gary Priebe asked what a fugitive emission was.

Doug Campbell said it was emissions that were not release through a duct or vent.

Motion was made by Kelly Tobin to approve the final rule as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRAL TO THE ATTORNEY GENERAL

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Mobile World, L.C. . [Camanche] wastewater penalty collection.

Mike Murphy said the remaining referrals are similar in nature as they all involve administrative orders with fines that were not appealed and the time for payment has passed. He said Mobile World, L.C. operates a manufactured home development in Camanche, Iowa. They have a waste water treatment system that they have not monitored as required. They were issued an Administrative Order with a \$2,000 penalty in March and did not appeal it. They have complied with the substantive portions of the order as they have retained an expert to evaluate and recommend improvements to their system.

Motion was made by Lisa Davis Cook to refer Mobile World L.C. to the Attorney General. Seconded by Terry Townsend.

Darrell Hanson asked if there was anything that prevents the Commission from approving more than one referral at the same time.

Mike Murphy said there was not.

Darrell Hanson said all of these cases are remarkably similar

Darrell Hanson moved to amend the motion to refer Mobile World, L.C.; Bog s Bar; Bubba s Bar and Grill; Oran Pub and Grill; and John C., Kelso. Lisa Davis Cook said she would take it as a friendly amendment to her motion. Seconded by Jerry Peckumn. Motion carried unanimously.

Bog s Bar [Langworthy] drinking water.

Bubba s Bar & Grill [Cresco] drinking water.

Oran Pub & Grill [Fairbank] drinking water.

John C. Kelso [Worth County] animal feeding operation.

Terry Townsend said that the three cases that have drinking water violations concern him because they were all establishments that served at least some amount of water to their customers. He asked if the Attorney General would be able to tell these establishments that they would be shut down unless they complied by posting the notice.

Mike Murphy said they had a case a few years ago where the department received an injunction that allowed them to perform the monitoring required. He said usually in the cases that involve bars the department will alert the licensing agency to revoke their liquor license.

REFERRED

GENERAL DISCUSSION

Maas, Marian

Marian Maas, gave a Power Point Presentation on the TMDL Program that she heads up. She said she views TMDLs as a watershed approach to water quality improvement. TMDL stands for Total Maximum Daily Load, and comes out of the 1972 Clean Water Act. It is defined as a calculation of the maximum amount of a pollutant that a water body can receive and still meet the water quality standards and an allocation of that amount to the pollutant source. The basic equation is point source loads plus the nonpoint source load plus a margin of safety. She said a TMDL is a watershed plan because it encompasses the whole picture. The TMDL's are based totally on water quality standards which are established in the Clean Water Act of 1972. From these standards the 305(b) assessment report is prepared. The water bodies that are impaired are then put into the 303(d) impaired waters list and any water body that is on the 303(d) list has to have a TMDL written for it. Once it is written and has been approved by the EPA the department would like to work together with the local people to implement it. The components of a TMDL are identification of the problem; identify what to do about the problem by allocating the load; and implementation of the TMDL. She said they hope in the future to have funding for the TMDL program so that they can place their priorities on the most impaired waters.

Jerry Peckumn asked where the department expected to get funding from.

Marian Maas said she hoped the funding would come from the State. She said South Dakota, with its small population has six staff people and the State of Missouri has 29 people developing TMDL's, Iowa has two. She said the department has a court ordered consent decree that orders them to develop TMDL's for the impaired waters on the 1998 303(d) list, which consisted of 157 water bodies with 220 impairments. She said the department developed 3 TMDL's in 2000, 17 in 2001, and are currently working on completing 21 for the year 2002. One of the tools they rely on heavily is the Geographic Information Systems (GIS), which performs a diagnostic study of the land and water bodies. In addition to developing the TMDL's the State of Iowa is required to develop nutrient standards by 2004; EPA has suggested a standard but if the state is required to abide by it, approximately 70% of its streams and water bodies will not meet the standard. She said other challenges the department is facing in the future include aquatic life criteria for atrazine, new pesticides requiring new criteria, the monitoring of pharmaceuticals and microbes and determining their significance in our water, and the ability to track sources of indicator bacteria. She said the department's ultimate goal is to protect and conserve, to use and enjoy natural resources but still have clean water and a thriving Iowa that is economically strong and a beautiful place to visit.

Lisa Davis Cook said it is obvious to her that the State is not allocating enough resources to this program. It is obvious that Marian Maas with her staff of two people will not be able to develop TMDL's on the impaired waters from the 1998 303(d) list. She asked Ms. Maas what she would need to be able to do the job.

Marian Maas said she needed \$1,000,000 to pay for staff and the monitoring and \$5,000,000 for implementation of the TMDL's.

Lisa Davis Cook asked where the funding for this program came from.

Wayne Gieselman said the department did not ask for anything further in terms of TMDL funding. The department has been working with the Governor's office who has been putting together a set of environmental program initiatives, which includes TMDL's, so there is a possibility that there will be a request directly from the Governor's office for this program.

(A print out of Marian Maas Power Point presentation is available in the department's record center.)

MONTHLY REPORTS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

| Proposal | Notice to Commission | Notice Published | ARC# | Rules Review Committee | Hearing | Comment Period | Final Summary To Commission | Rules Adopted | Rules Published | ARC# | Rules Review Committee | Rule Effective |
|---|----------------------|------------------|-------|------------------------|----------------------|----------------|--------------------------------|---------------|-----------------|------|------------------------|----------------|
| 1. Ch. 2 Public Records and Fair Information Practices (Emission Data Effluent Definitions) | 10/21/02 | *11/13/02 | | *12/03/02 | | *12/03/02 | *1/21/03 | *1/21/03 | *2/19/03 | | *3/04/03 | *3/12/03 |
| 2. Ch. 7 Rules of Practice in Contested Cases | 10/21/02 | *11/13/02 | | *12/03/02 | | *12/03/02 | *1/21/03 | *1/21/03 | *2/19/03 | | *3/04/03 | *3/12/03 |
| 3. Ch. 20, Ch. 28 Ambient Air Quality Standards (CAFO) | 7/22/02 | 8/21/02 | 1876B | 9/10/02 | 9/17, 24, 30; 10/2 | 10/04/02 | *12/16/02 | *12/16/02 | *1/08/03 | | *2/04/03 | *2/12/03 |
| 4. Ch. 22 Definition of Stationary Source Categories | 5/20/02 | 6/12/02 | 1710B | 7/09/02 | 7/11/02 | 7/26/02 | 11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 5. Ch. 28 Ambient AQ Sampling Manual | 8/19/02 | 9/18/02 | 1990B | 10/09/02 | 10/08, 15, 16, 23/02 | 11/01/02 | *12/16/02 | *12/16/02 | *1/08/03 | | *2/04/03 | *2/12/03 |
| 6. Ch. 38 Private Water Well Construction Permits | 4/15/02 | 5/15/02 | 1619B | 6/11/02 | 6/4-6, 11-13/02 | 6/07/02 | 10/21/02 | 10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 7. Ch. 65 Animal Feeding Operations Interim Matrix | 7/22/02 | 8/21/02 | 1878B | 9/10/02 | 9/10/02 | 9/10/02 | NOTICE OF TERMINATION 11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 8. Ch. 65 Animal Feeding Operations County Construction Evaluation Resolutions | 8/19/02 | 9/18/02 | 1989B | 11/12/02 | 10/08/02 | 10/08/02 | 11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 9. Ch. 65 Animal Feeding Operations Minimum Separation Distance; Annual Compliance Fee; MMP Annual Updates; Site Inspections; Construction Permit Application Review; Table 6 Amendment) | 10/21/02 | *11/13/02 | | *12/03/02 | *12/05/02 | *12/05/02 | *1/21/03 | *1/21/03 | *2/19/03 | | *3/04/03 | *3/12/03 |
| 10. Ch. 65 - Animal Feeding Operations Master Matrix | 10/21/02 | *11/13/02 | | *12/03/02 | *12/05/02 | *12/05/02 | *1/21/03 | *1/21/03 | *2/19/03 | | *3/04/03 | *3/12/03 |
| 11. Ch. 82 Well Contractor Certification | 4/15/02 | 5/15/02 | 1618B | 6/11/02 | 6/4-6, 11-13/02 | 6/07/02 | 10/21/02 | 10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 12. Ch. 103 - Sanitary Landfills (Resession); Ch. 103 - Sanitary Landfills - Coal Combustion Residue; Ch. 112 - Sanitary Landfills - Biosolids Monotills; Ch. 113 - Sanitary Landfills - Municipal Solid Waste; Ch. 114 - | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|--|----------|-----------|-------|-----------|-----------|-----------|-----------|-----------|-----------|--|----------|----------|
| Sanitary Landfills Construction & Demolition wastes; Ch. 119 - Sanitary Landfills - Industrial Monofills (Adoption); Ch. 100 - Scope of Title Definitions forms rules of Practice; Ch. 102 - Permits, Ch. 109 - Special Waste Authorizations; Ch. 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills (Amendments); Ch. 110 - Design and Operation Standards for Solid Waste Management facilities (Name Change Hydrogeologic Investigation and Monitoring Requirements); | 8/19/02 | 9/18/02 | 1988B | 10/09/02 | 10/08/02 | 10/08/02 | 11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 15. Ch. 140/ Beverage Container Rules | 9/16/02 | 10/16/02 | 2049A | *11/12/02 | 11/07/02 | 11/07/02 | *12/16/02 | *12/16/02 | *1/08/03 | | *2/04/03 | *2/12/03 |
| 14. Ch. 108 Beneficial Use Determinations Solid by-Products as Resources and Alternative Cover Material | 11/18/02 | *12/11/02 | | *1/07/03 | | | *2/17/03 | *2/17/03 | *3/12/03 | | *4/08/03 | *4/16/03 |
| 15. Ch. 117 Waste Tire Facilities (Set-Back Distances)) | 10/21/02 | *11/13/02 | | *12/03/02 | *12/04/02 | *12/04/02 | *1/21/03 | *1/21/03 | *2/19/03 | | *3/04/03 | *3/12/03 |
| 16. Ch. 118 Discarded Appliance Demanufacturing | 3/18/02 | 4/17/02 | 1540B | 5/15/02 | 5/14/02 | 5/14/02 | *12/16/02 | *12/16/02 | *1/08/03 | | *2/04/03 | *2/12/03 |

| Monthly Variance Report November 2002 | | | | | | |
|--|---|-------------------------|----------------------------------|---------------------------------|----------|----------|
| Item No. | Facility | Program | Engineer | Subject | Decision | Date |
| 1 | Handy Industries, LLC-Marshalltown | Air Quality | | Permit Requirements | Approved | 10/04/02 |
| 2 | Natural Gas Pipeline Co. of America-Station 199-Letts, IA | Air Quality | | Permit Requirements | Approved | 10/23/02 |
| 3 | Nichols-Aluminum - Casting-Davenport | Air Quality | | Permit Requirements | Approved | 10/28/02 |
| 4 | Decorah, City of | Wastewater Construction | Erdman Engineering | Directional Boring, Sewer Slope | Approved | 10/22/02 |
| 5 | Eagle Grove, City of | Wastewater Construction | Kuehl & Payer, Ltd. | Reliability | Approved | 10/22/02 |
| 6 | Charlotte, City of | Flood Plain | Calhoun-Burns & Associates, Inc. | Freeboard | Approved | 10/28/02 |
| 7 | Skyjack Manufacturing-Emmetsburg | Wastewater Operation | | Monitoring Frequency | Approved | 10/22/02 |

| | | | | | | |
|---|----------------|-----------------------------|---------------------------------|----------------------------|----------|----------|
| 8 | Boone, City of | Watersupply Construction | McClure Engineering, Inc. | Installation Procedures | Approved | 10/01/02 |
|---|----------------|-----------------------------|---------------------------------|----------------------------|----------|----------|

During the period October 1, 2002, through October 31, 2002, 55 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Month | Total Incidents | Substance | | | | Mode | | | | |
|--------------|--------------------|-------------------|-----------------------|--------------------|-----------------------|---------|----------|----------|-------|-------|
| | | Agri- chemical | Petroleum Products | Other Chemicals | Transport Facility | Fixed | Pipeline | Railroad | Fire | Other |
| October | 55 (73) | 4 (9) | 40 (51) | 11 (13) | 18 (28) | 32 (36) | 1 (2) | 2 (0) | 0 (2) | 2 (5) |
| November | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| December | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| January | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| February | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| March | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 55 (73) | 4 (9) | 40 (51) | 11 (13) | 18 (28) | 32 (36) | 1 (2) | 2 (0) | 0 (2) | 2 (5) |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 11 | 3 | 7 | 6 | 15 | 13 |

*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other”.

During the period October 1, 2002, through October 31, 2002, 9 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

| Month | Total Incidents Impacts | Feedlot Application | Confinement Water | Land | Transport | Hog | Cattle | Fowl | Other | Surface |
|----------|-------------------------------|------------------------|----------------------|-------|-----------|-------|--------|-------|-------|---------|
| October | 9 (4) | 0 (0) | 4 (2) | 1 (2) | 4 (0) | 8 (3) | 1 (0) | 0 (1) | 0 (0) | 0 (2) |
| November | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| December | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| January | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| February | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |

| | | | | | | | | | | |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| March | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| April | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| May | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| June | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| August | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 9 (4) | 0 (0) | 4 (2) | 1 (2) | 0 (0) | 8 (3) | 1 (0) | 0 (1) | 0 (0) | 0 (2) |

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 0 | 2 | 4 | 2 | 1 | 0 |

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number Action | Date | Program | Alleged Violation | | |
|---|-------|--------------------------------------|---|--------------------------|----------|
| Name, Location, and Field Office Number | | Program | Alleged Violation | Action | Date |
| Walker Brothers Livestock Corp., Washington (6) | | Wastewater | Prohibited Discharge | Order/Penalty \$5,000 | 10/02/02 |
| Wilbur McNear Oil Co., Onawa (4) | d/b/a | Underground Tank | UST System Deficiencies | Order/Penalty \$5,930 | 10/14/02 |
| River City Development Co., Russell Hardy, Mason City (2) | | Underground Tank | Site Assessments | Order/Penalty \$2,480 | 10/14/02 |
| Sully Transport, Inc.; Bice Oil; Tim Bice, Guthrie Co. (4) | | Wastewater Hazardous Condition | Prohibited Discharge; Remedial Action | Order/Penalty \$5,000 | 10/14/02 |
| Fran Oil Company, Council Bluffs (4) | | Underground Tank | UST System Deficiencies; Recordkeeping | Order/Penalty \$3,500 | 10/14/02 |

| | | | | |
|---|---------------------------------|---|------------------------|----------|
| Barry R. DeLoss; DeLoss Construction, Inc., Spencer (1) | Air Quality | Open Burning | Order/Penalty \$500 | 10/14/02 |
| Audubon, City of (4) | Wastewater | Discharge Limits; Water Quality Violations – General Criteria, Numeric Criteria | Order/Penalty \$10,000 | 10/14/02 |
| Iowa Select Farms, L.P., Stockdale Sow Unit, Hardin Co. (2) | Animal Feeding Operation | Separation Distance | Order/Penalty \$10,000 | 10/14/02 |
| Thombert, Inc., Newton (5) | Air Quality | Other | Amended Order | 10/14/02 |
| Trajet Products, Glenwood (4) | Air Quality | Operation Without Permit | Amended Order | 10/14/02 |
| BPB America, Inc. aka BPB Celotex, Fort Dodge (2) | Air Quality | Other | Consent Order | 10/16/02 |
| Joe and Mary Schuster d/b/a Better Flo, Callendar (2) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Consent Amendment | 10/18/02 |
| Lewis Contracting Company; Randy Lewis, Red Oak (4) | Wastewater | Pollution Prevention Plan Violation | Order/Penalty \$3,500 | 10/21/02 |
| Schell Family Partnership, Boone Co. (5) | Hazardous Condition Solid Waste | Remedial Action; Illegal Disposal | Order/Penalty \$5,000 | 10/21/02 |
| Wisconsin North, LLC d/b/a National Petroleum Inc.; Yogi Bhudwaj, Clinton (6) | Underground Tank | Failure to Initiate Corrective Action – CDR | Referred to AG | 10/21/02 |
| Jerry Chatfield d/b/a North | Solid Waste Wastewater | Illegal Disposal; Operation Without Permit | Referred to AG | 10/21/02 |

Iowa Truck and Tractor,
Floyd (2)

Ryan and Theresa Barton, Air Quality Open Burning Referred to 10/21/02
Kellerton (4) AG

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|--|-----------|--------|----------|
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 | 1-01-96 |
| Ronald Slocum; Tammy Lynn Determan (Marshall Co.) | SW | 10,000 | 5-24-97 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 7,000 | 4-28-98 |
| Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle) | WW | 1,500 | 5-05-98 |
| Otter Creek Station (Dubuque Co.) | WS | 325 | 3-04-99 |
| Charlie's Supper Club (Algona) | WS | 100 | 7-01-99 |
| Hidden Valley Mobile Home Court (Washington Co.) | WS | 200 | 7-26-99 |
| * Hidden Valley Mobile Home Park (Washington) | WW | 200 | 12-12-99 |
| Dorchester Supper Club (Dorchester) | WS | 100 | 3-08-00 |
| Plain Salvage Inc. (Sac City) | AQ/SW | 10,000 | 5-12-00 |
| Don Casterline; Myron Casterline (Van Wert) | UT | 2,000 | 6-14-00 |
| R & R Ranch (Osceola) | WW | 10,000 | 8-30-00 |
| Robert Watson (Griswold) | UT | 1,700 | 9-03-00 |
| Mt. Joy Mobile Home Park (Davenport) | WS | 1,500 | 11-23-00 |
| Sac City, City of | WW | 2,400 | 1-01-01 |
| Country Stores of Carroll, Ltd. (Carroll) | UT | 4,700 | 1-17-01 |
| Alice Hillhouse; Hillhouse Real Estate Corp. (Denison) | UT | 3,000 | 2-28-01 |
| Paul Riha d/b/a Riha Auto Sales (Vining) | UT | 1,200 | 5-06-01 |
| Iowa Skate U (Iowa Falls) | WS | 500 | 5-11-01 |
| Dallas O'Neal; Linda O'Neal (Council Bluffs) | UT | 750 | 6-05-01 |
| Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids) | UT | 6,380 | 7-06-01 |
| David and Marie Phillips (Milo) | WW | 1,300 | 7-09-01 |
| T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly) | AQ | 2,000 | 7-28-01 |
| Keith Craig; The Farm (Council Bluffs) | UT | 3,890 | 8-08-01 |
| James Harter (Fairfield) | WW | 1,800 | 8-01-01 |
| Carpenter Bar & Grill (Carpenter) | WS | 100 | 9-28-01 |
| Minnesota Rubber Company (Mason City) | AQ | 1,000 | 9-30-01 |
| * R.V. Hopkins, Inc. (Davenport) | AQ | Int. | 10-01-01 |
| Mark Buringrud fdba Carpenter Bar & Grill (Carpenter) | WS | 2,500 | 10-26-01 |
| Jerry Feilen and Rick Bain (Pottawattamie Co.) | AQ/SW | 4,000 | 10-27-01 |
| Louisa County Regional Solid Waste Agency | SW | 1,250 | 10-27-01 |
| Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant) | UT | 1,000 | 12-02-01 |
| Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines) | UT | 1,000 | 12-02-01 |
| Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne | UT | 3,400 | 12-03-01 |
| # Dave Hansel (Hamilton Co.) | AFO | 1,300 | 1-26-02 |
| Crestview Trailer Park (Ames) | WS | 2,500 | 1-28-02 |
| Jolly Roger Recreation and Marine, Inc. (North Liberty) | WW | 2,000 | 2-05-02 |
| Coralville, City of | WW | 3,000 | 2-11-02 |
| # Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.) | AFO/SW | 2,500 | 2-14-02 |
| # Troy DeGroote; Casey DeGroote (Butler Co.) | AFO/AQ/SW | 1,100 | 3-08-02 |
| Days Inn 2 nd Addition (Williamsburg) | WS | 10,000 | 4-07-02 |
| * Steve Friesth (Webster Co.) | AQ/SW | 450 | 4-15-02 |
| * Kiefer Built, Inc. (Kanawha) | AQ | 5,000 | 5-30-02 |
| Iowa Coaches, Inc.; David Sherman (Dubuque) | UT | 3,960 | 5-03-02 |
| Honey Creek Campground (Crescent) | WS | 1,000 | 4-30-02 |
| Moonshine Tap (New Hampton) | WS | 300 | 4-30-02 |

Environmental Protection Commission Minutes

November 2002

| | | | |
|--|-------|--------|----------|
| Bubba's Bar & Grill (Cresco) | WS | 175 | 4-30-02 |
| Iowa Skate U (Iowa Falls) | WS | 600 | 5-11-02 |
| # Practical Pig Corporation (Clinton Co.) | AFO | 2,000 | 5-26-02 |
| Mobile World, L.C. (Camanche) | WW | 2,000 | 5-27-02 |
| Vessel Systems, Inc. (Dubuque) | AQ | 10,000 | 5-31-02 |
| Oran Pub & Grill (Fairbank) | WS | 100 | 6-03-02 |
| John Jolin; Michael Kolbold (Sioux City) | UT | 5,760 | 6-23-02 |
| Ellis Implement, Inc.; Douglas Shaffer (Coggon) | UT | 2,170 | 6-25-02 |
| Sid's Gas & Groceries (Forest City) | WS | 200 | 6-26-02 |
| Coin, City of | WS | 250 | 6-28-02 |
| St. John's Lutheran Church (Greene) | WS | 250 | 7-02-02 |
| Dave Paplow (Indianola) | AQ/SW | 5,000 | 7-05-02 |
| Leonard Anderson (Linn Grove) | UT | 1,160 | 7-09-02 |
| Mitchell Town Pump (Mitchell) | WS | 500 | 7-09-02 |
| Air Bears II (Thompson) | WS | 300 | 7-13-02 |
| Robert Marburger (Sabula) | UT | 2,940 | 7-15-02 |
| # John C. Kelso (Worth Co.) | AFO | 1,500 | 7-29-02 |
| Meadow Mist Motel (Fayette Co.) | WS | 500 | 8-12-02 |
| Rocky Knoll Mobile Home Park (Forest City) | WS | 10,000 | 8-18-02 |
| Timothy Eischeid (Carroll Co.) | SW | 2,000 | 8-25-02 |
| Park View Motel (Oelwein) | WS | 750 | 9-06-02 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 1,750 | 9-15-02 |
| Brett George d/b/a Cedar Valley Tree Service; John Sohm | AQ/SW | 1,750 | 9-15-02 |
| Midway Oil Co.; David Requet (Davenport) | UT | 6,430 | 9-20-02 |
| #*Mark Pearson (Adams Co.) | AFO | 165 | 9-23-02 |
| Bog's Bar (Langworth) | WS | 400 | 9-23-02 |
| *#Roger Bockes, et. al. (Tama Co.) | AFO | 1,700 | 10-01-02 |
| Dan Carnicle; Beaver Service & Repair; Sharon Carnicle | UT | 2,500 | 10-04-02 |
| # Kenneth Kline; Lynn Kline (Harrison Co.) SEP | AFO | 3,500 | 10-04-02 |
| * Paul L. Nagle (Clear Lake) | AQ | 900 | 10-15-02 |
| * John Smith d/b/a Four Corners Tap (Lockridge) | AQ/SW | 350 | 10-15-02 |
| Braddyville, City of | WW | 3,500 | 10-31-02 |
| M.A., Inc.; Spring Grove Mobile Home Park (Burlington) | WW | 7,000 | 11-01-02 |
| M.A., Inc.; Westside Park for Mobile Homes (Lee Co.) | WW | 7,000 | 11-01-02 |
| Dale Schaffer (Union Co.) | AQ/SW | 10,000 | 11-05-02 |
| * Jeff Dean (Mills Co.) | AQ/SW | 400 | 11-08-02 |
| Thombert, Inc. (Newton) | AQ | 2,500 | 11-14-02 |
| * Winter Mobile Home Park (New Hampton) | WS | 1,150 | 11-15-02 |
| Matter's Ballroom (Decorah) | WS | 300 | 11-29-02 |
| * Quality Mat Co., Inc. (Waterloo) | AQ | 5,696 | 12-01-02 |
| Walker Brothers Livestock Corp. (Washington) | WW | 5,000 | 12-06-02 |
| Trajet Products, Inc. (Glenwood) | AQ | 7,000 | 12-14-02 |
| Monte Lapel (Crawford Co.) | SW | 1,300 | 12-15-02 |
| * George Redman (Mitchellville) | AQ | 3,767 | 12-15-02 |
| * Joe & Mary Schuster d/b/a Better-Flo (Callendar) | AQ/SW | 700 | 12-15-02 |
| Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.) | AFO | 10,000 | 12-16-02 |
| Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.) | WW/HC | 5,000 | 12-16-02 |
| River City Development; Russell Hardy (Mason City) | UT | 2,480 | 12-17-02 |
| Barry DeLoss; DeLoss Construction (Spencer) | AQ | 500 | 12-17-02 |
| Wilbur McNear d/b/a McNear Oil Co. (Onawa) | UT | 5,930 | 12-17-02 |
| Audubon, City of | WW | 10,000 | 12-18-02 |
| Midwest Farmers Coop (Sheldon) Natural Resources Damages | WW | 75,000 | 6-30-03 |
| # Rome Pork, L.L.C.; William Huber (Jefferson Co.) | AFO | 2,000 | ----- |
| Independence Mobile Home Park (Independence) | WS | 800 | ----- |
| Deer Ridge Estates (Ottumwa) | WS | 100 | ----- |

| | | | |
|---|-------|----------------|------|
| Rayburn Court for Mobile Homes (Mason City) | WS | 500 | ---- |
| Allan Scott (Marion Co.) | SW/WW | 1,150 | ---- |
| Sanborn P & L, Inc.; Douglas R. Bras (Sioux City) | UT | 3,040 | ---- |
| Finley Mondia (West Chester) | UT | 6,430 | ---- |
| Fran Oil Company (Council Bluffs) | UT | 3,500 | ---- |
| Lewis Contracting Co.; Randy Lewis (Red Oak) | WW | 3,500 | ---- |
| Schell Family Partnership (Boone Co.) | HC/SW | 5,000 | ---- |
| TOTAL | | 384,648 | |

The following cases have been referred to the Attorney General:

| | | | |
|--|----------|--------|----------|
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia) | UT | 840 | 11-01-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| Oscar Hahn (Solon) | AQ/SW | 2,000 | 8-29-95 |
| Randy Ballard (Fayette Co.) | FP | 2,000 | 5-30-95 |
| Long Branch Tavern (Monmouth) | WS | 100 | 5-01-96 |
| Long Branch Tavern (Monmouth) | WS | 6,400 | 10-28-96 |
| Long Branch Tavern (Monmouth) | WS | 200 | 3-18-97 |
| Dean Williams d/b/a Williams Oil Co. (Stuart) | UT | 4,800 | |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge) | AQ | 10,000 | 2-16-93 |
| Robert Jeff White (Dallas Co.) | AQ/SW | 10,000 | 7-14-97 |
| Edward Bodensteiner (Des Moines) | UT | 3,200 | 3-31-96 |
| James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.) | AQ/SW | 2,000 | 2-16-98 |
| *Ken Frese (Keokuk Co.) | AQ/SW | 175 | 1-09-97 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.) | SW | 6,000 | 1-20-96 |
| Patrick McCoy (Keokuk Co.) | AQ/SW | 2,000 | 2-10-96 |
| Russell Barkema d/b/a Barkema Construction (Wright Co.) | AQ/SW | 1,000 | 3-31-98 |
| Action Jack's Paintball Park (Polk Co.) | SW/FP | 10,000 | 11-07-98 |
| #*Harold Unternahrer (Washington Co.) | AFO | 700 | 5-01-99 |
| Hofer's Danceland Ballroom (Walford) | WS | 3,200 | 4-19-97 |
| Hofer's Danceland Ballroom (Walford) | WS | 100 | 4-23-99 |
| Ray Stamper; Bryan Zenor (Polk Co.) | SW | 2,000 | 12-12-98 |
| Russell Zook d/b/a Haskin's Recycling (Washington Co.) | AQ/SW | 5,000 | 12-19-98 |
| Phillips Recycling; Jeff Phillips (Story Co.) | WW | 1,800 | 3-06-99 |
| Greg Morton; Brenda Hornyak (Decatur Co.) | SW/AQ/WW | 3,000 | 11-04-98 |
| Jim Walker (Johnson Co.) | AQ/SW | 3,000 | 2-14-99 |
| Iowa Millenium Investors, LLC (Sumner) | UT | 4,000 | 10-12-99 |
| Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola) | UT | 10,000 | |
| Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.) | AQ/SW | 1,000 | 7-01-00 |
| Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids) | SW | 5,000 | 1-23-00 |
| Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.) | SW/WW | 10,000 | 5-26-00 |
| *Lester Holmes; Todd Holmes (Lucas County) | AQ | 4,000 | 10-15-00 |
| Crestview Mobile Home Park (Ames) | WW | 10,000 | 8-30-00 |
| 10 th Hole Food & Spirits (Calamus) | WS | 1,000 | 3-14-00 |
| Lindahl & Sons Salvage (Boone) | AQ/SW | 10,000 | 11-29-00 |
| Wisconsin North dba National Petroleum, Inc. (Clinton) | UT | 5,000 | 8-04-01 |
| Wisconsin North dba National Petroleum (Clinton) | UT | 2,840 | 8-21-01 |
| Michael Bauer (Davenport) | UT | 5,100 | 3-13-01 |
| Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley) | AQ | 4,500 | 8-01-01 |
| Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.) | SW | 10,000 | 9-18-01 |
| Marvin Oberly (Burlington) | WW | 1,300 | 6-27-01 |

Environmental Protection Commission Minutes

November 2002

| | | | |
|---|-------|----------------|---------|
| Richard Davis (Monroe Co.) | AQ | 8,000 | 6-25-02 |
| M-F Real Estate; Fred "Butch" Levell (Carter Lake) | HC | 3,200 | 8-18-02 |
| Ryan Barton; Theresa Barton (Kellerton) | AQ/SW | 1,000 | 5-27-02 |
| Jerry Chatfield; North Iowa Truck and Tractor (Floyd) | SW/WW | 3,000 | 8-18-02 |
| TOTAL | | 188,794 | |

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| Dallas County Care Facility (Adel) | WW | 2,500 |
| Richard Sprague (Tripoli) | AQ/SW | 5,000 |
| Bellevue Golf Club, Inc. (Bellevue) | WS | 300 |
| Brittany Estates Addition (Manchester) | WS | 4,000 |
| Robert Frees; Elizabeth Mathes (Washington Co.) | SW | 1,000 |
| Robert Diehl (Clarke Co.) | WW/WS | 5,000 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 5,000 |
| # Bernadette Ryan (Delaware Co.) | AFO | 3,000 |
| Dayton, City of | WW | 10,000 |
| Gerald and Judith Vens (Scott Co.) | FP | 5,000 |
| Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison) | AQ | 10,000 |
| # Robert Fisher (Hamilton Co.) | AFO | 3,000 |
| # Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.) | AFO | 3,000 |
| # Dan Witt (Clinton Co.) | AFO | 3,000 |
| Twin Anchors R.V. Resort, Inc. (Story Co.) | WW | 5,000 |
| # Thomas and Jane Kronlage (Coggon) | AFO | 3,000 |
| The Farmers Co-Operative Society d/b/a Wesley Coop | AQ | 5,000 |
| Freisen of Iowa, Inc. (Storm Lake) | AQ | 10,000 |
| Linwood Mining & Minerals Co. (Davenport) | AQ | 10,000 |
| Duane Crees (Muscatine Co.) | AQ/SW | 1,160 |
| R. Excavating, Inc.; Randy Golden (Pottawattamie Co.) | WW | 10,000 |
| # Floyd Kroeze (Butler Co.) | AFO | 3,000 |
| Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.) | WW/SW | 1,000 |
| # Burco Farms, Inc. (Buchanan Co.) | AFO | 3,000 |
| Wayne Wheatley; Wheatley Auto and Truck Service (Walnut) | UT | 3,900 |
| Eagle Investors dba Manson Ampride (Manson) | UT | 4,650 |
| Noble Ford Mercury, Inc. (Indianola) | WW | 5,000 |
| John Hoth (Tama) | UT | 9,250 |
| Tama Beef Packing, Inc. (Tama) | WW/SW | 1,000 |
| Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines) | UT | 1,600 |
| Midway Oil Company (West Branch) | UT | 7,300 |
| Midway Oil Company (Davenport) | UT | 5,790 |
| Long Branch Maintenance Corp. (Earlham) | WW | 5,000 |
| Earlham, City of | WW | 10,000 |
| Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama) | UT | 10,000 |
| Lawrence Korver d/b/a Korver Development (Orange City) | WW | 5,000 |
| Sir Fredericks, Inc.; Fred Scherle (Ankeny) | UT | 2,280 |
| Feeders Grain Supply; James & Carolyn Curtis (Corning) | WW/HC | 6,000 |
| LeMars, City of | WW | 10,000 |
| Dallas County Care Facility (Adel) | WW | 5,000 |
| # Max and Phyllis Graber; Burdean Graber (Washington Co.) | AFO | 2,000 |
| Keith Shoterau; Hopp Construction Co. (Shelby Co.) | WW | 5,000 |
| Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods – Council Bluffs) | WW | 10,000 |
| Robert Ward (Lee Co.) | WW | 1,450 |

| | | |
|---|-------|----------------|
| Partners Four Investments, Inc. (Marble Rock) | UT | 5,280 |
| Van Meter Development Corp.; Whispering Pines (Van Meter) | WW | 4,000 |
| Sapp Bros. Truck Stops, Inc. (Percival) | WS | 10,000 |
| Mike Messerschmidt (Martinsburg) | AQ/SW | 500 |
| Well's Dairy, Inc. (LeMars) | WW | 10,000 |
| William Habhab (Fort Dodge) | SW | 1,500 |
| # Lawrence Handlos (Audubon Co.) | AFO | 3,000 |
| # Kris King (Audubon) | AFO | 500 |
| Dennis Frederickson; Mark Frederickson (Cass Co.) | AQ/SW | 5,000 |
| Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash | WW | 10,000 |
| Minden, City of | WW | 3,000 |
| Jones Co. Conservation Board; Central Park | WS | 250 |
| Arthur, City of | WW | 2,000 |
| # Avery Feeder Pig Co. (Humboldt Co.) | AFO | 3,000 |
| Wellington Environmental (Davenport) | AQ | 4,000 |
| # Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.) | AFO | 1,000 |
| James Wilson; Retha Wilson; William Wilson (Shenandoah) | UT | 4,740 |
| Emer Carlson (Fairfield) | AQ | 6,500 |
| Deer Track Subdivision; F & J Enterprises (Mills Co.) | WW | 4,000 |
| ITWC, Inc. (Brooklyn) | AQ | 7,500 |
| Marion F. Murray; Murray's Transfer & Storage (Davenport) | UT | 2,480 |
| Wellington Environmental (Iowa City) | AQ | 1,000 |
| Grinnell Properties, Inc.; David Hamilton (Grinnell) | UT | 5,920 |
| Kevin Wallerich (Keota) | SW/WW | 500 |
| # Frank Siemans (Wright Co.) | AFO | 3,000 |
| # Doug Wedemeyer (Adair Co.) | AFO | 2,500 |
| Allison, City of | AQ | 10,000 |
| Cordes Excavating; Clint Cordes (Allison) | AQ | 1,000 |
| Waukon Golf and Country Club (Waukon) | UT | 2,480 |
| College Pro Painters (U.S.), Ltd. (Ames) | WW | 10,000 |
| Nevada, City of | WW | 9,000 |
| Mt. Pleasant, City of | WW | 500 |
| Lehigh Portland Cement Co. (Mason City) | WS | 300 |
| Richard and Charlotte Caves (Oskaloosa) | HC | 10,000 |
| # Jason Strike (Allamakee Co.) | AFO | 1,200 |
| Garry B. Pellett; Pellett Chemical Co.; Charles R. South | UT | 2,645 |
| Clifton Clark (Moorhead) | AQ/SW | 1,500 |
| # Kenneth Dahlhauser (Whittemore) | AFO | 2,500 |
| Peter Cook (Grand Mound) | AQ/SW | 5,000 |
| Mitchell County; Mitchell County Engineer | AQ/SW | 750 |
| Stanley Siems (Hardin Co.) | AQ/SW | 7,500 |
| Taylor Oil Co., Inc.; Taylor Quik-Pik (Shelby) | AQ | 1,000 |
| M. Poe Investments, Inc.; Advanced Technologies Corp. (Cedar Falls) | AQ | 4,000 |
| Caldwell Meats, Inc.; James Caldwell (Marshalltown) | UT | 1,990 |
| Charles Butler (Hardin Co.) | AQ/SW | 1,000 |
| Poweshiek Water Assoc. (Benton Co.) | WW/HC | 10,000 |
| TOTAL | | 415,315 |

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| * George Redman (Mitchellville) | AQ | 733 |
| Patrick M. Pinney Contractors, Inc. (Sioux City) | AQ | 2,100 |
| * Jeff Dean (Mills Co.) | AQ/SW | 400 |
| * John Smith d/b/a Four Corners Tap (Lockridge) | AQ/SW | 75 |

Environmental Protection Commission Minutes

November 2002

| | | |
|--|-------|-------|
| * Paul L. Nagle (Clear Lake) | AQ | 100 |
| # Futura Dairy, LLP (Linn Co.) | AFO | 4,500 |
| Onawa Country Club (Onawa) | WS | 1,000 |
| *#Roger Bockes, et. al. (Tama Co.) | AFO | 100 |
| * Joe & Mary Schuster d/b/a Better-Flo (Callendar) | AQ/SW | 100 |
| * Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff) | AQ | 750 |
| Big Rock Country Club (Fayette Co.) | WS | 1,000 |
| * Winter Mobile Home Park (New Hampton) | WS | 250 |

TOTAL 11,108

The \$10,000 penalty assessed to Alva Parker (Ringgold and Union Co.) has been rescinded.

The \$4,460 penalty assessed to Midland Transportation Co. (Marshalltown) has been rescinded.

| Name, Location, and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|--|---------------------------|--|---------------------------------|--|---|
| ABC Disposal Systems Hiawatha (1) | Solid Waste | DNR Defendant | Defense | Petition Filed Answer Petitioner's Brief State's Brief Hearing | 6/26/02 7/17/02 8/30/02 9/18/02 10/07/02 |
| Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date | 3/20/00 4/19/00 2/26/01 4/20/01 12/09/02 |
| Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) | Air Quality | DNR Defendant | Defense | Petition Filed Answer Ruling Defendant's Notice of Appeal State's Brief Defendant's Brief | 12/28/00 1/18/01 7/09/01 7/30/01 6/06/02 6/07/02 |
| Barton, Randy and Theresa Kellerton (4) NEW | Air Quality | Open Burning | Order/Penalty | Referred | 10/21/02 |
| Bauer, Michael Davenport (6) | Underground Tank | Site Assessment | Order/Penalty | Referred Petition Filed State's Motion for Default Judgment | 2/18/02 8/08/02 9/23/02 |
| Bee Rite Tire Disposal, Inc. Rhodes, State Center (5) | Solid Waste | Solid Waste Violations | Order/Penalty | Referred | 5/20/02 |
| BCD Corporation Council Bluffs (4) | Wastewater | Operation Without Permit; Pollution Prevention Plan Violation | Order | Referred | 7/22/02 |
| Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2) NEW | Solid Waste Wastewater | Illegal Disposal; Operation Without Permit | Order/Penalty | Referred | 10/21/02 |
| Davis, Richard Wapello Co. (6) | Air Quality | Asbestos | Order/Penalty | Referred | 8/19/02 |
| Golden, Randy S.; R. Excavating Council Bluffs (4) | Wastewater | DNR Defendant | Defense | Petition Filed Answer | 4/16/02 5/09/02 |
| Huyser, James; Trust Trucking | Underground Tank | | Referred to | Referred | 11/21/94 |

| | | | | | | | |
|---|----------------|----------------------------|---------|--|---------------------------------|--|--|
| Lovilia (5) | | | | Site Assessment | Attorney General | Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed | 4/18/96 9/20/96 9/20/96 |
| Indian Creek Corp. Jasper Co. (5) | UPDATED | Animal Operation | Feeding | Failure to Retain; Freeboard Violations; Failure to Have Approved MMP | Referred to Attorney General | Referred Petition Filed Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court Appellant's Brief State's Brief Defendant's Appeal Dismissed | 4/17/00 9/27/00 10/24,25/01 11/19/01 1/09/02 8/19/02 8/19/02 10/22/02 |
| Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4) | | Animal Operation | Feeding | Prohibited Discharge – Confinement | Referred to Attorney General | Referred | 2/18/02 |
| Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1) | | Solid Waste | | Illegal Disposal | Order/Penalty | Referred Petition | 4/17/99 6/01/01 |
| Lehigh Portland Cement Co. Mason City (2) | | Air Quality | | Construction Without Permit | Referred to Attorney General | Referred Petition Filed Trial Date Trial Continued | 8/17/98 11/05/99 10/29/02 |
| Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5) | | Air Quality Solid Waste | | Open Burning Illegal Disposal | Order/Penalty | Referred | 5/21/01 |
| Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6) | | Air Quality | | Emission Limits | Referred to Attorney General | Referred | 1/22/02 |
| M-F Real Estate, Inc.; Fred Levell Carter Lake (4) | | Hazardous Condition | | Remedial Action | Order/Penalty | Referred | 9/16/02 |
| Mills County Landfill Association Mills Co. (4) | | Solid Waste | | DNR Defendant | Defense | Petition Filed Intervention by Iowa Waste Systems State's Answer | 9/26/01 5/02/02 5/20/02 |
| Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5) | | Solid Waste | | Illegal Disposal | Order/Penalty | Referred | 2/15/99 |
| Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5) | | Wastewater | | Discharge Limits | Order/Penalty | Referred Petition Filed | 2/19/01 3/20/02 |
| Oberly, Marvin Burlington (6) | | Wastewater | | Operation Without Permit | Order/Penalty | Referred | 7/15/02 |
| Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) | | Solid Waste | | Permit Violations | Referred to Attorney General | Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) | 12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 |
| Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5) | UPDATED | Air Quality | | Operational Violations | Order/Penalty | Referred Motion for Judgment Order (\$4,500/Admin.) | 3/18/02 9/27/02 10/28/02 |
| Williams Pipeline Company LLC Waterloo/Dubuque/ | | | | Construction | | Referred Petition Filed | 7/16/01 8/07/02 |

Environmental Protection Commission Minutes

November 2002

Milford (1, 3) **UPDATED** Air Quality Without Permit Order Consent Decree (\$300,000/Civil) 9/30/02

Wisconsin North, LLC d/b/a
National Petroleum Co.
UST #8606997, 8606993, 8606996 **UPDATED** Underground Tank UST Closure; Site Check Order/Penalty Referred Motion for Judgment Hearing Date Order (\$5,000/Admin.) 1/22/02
7/26/02
10/23/02
10/23/02

Wisconsin North, LLC d/b/a
National Petroleum Co.
UST #8606997 **NEW** Underground Tank Failure to Initiate Corrective Action-CDR Referred to Attorney General Referred 10/21/02

| Date Received | Name of Case | F O | Action Appeal | Program | Assigned To | Status |
|---------------|---|-----|---------------------------|---------|-------------|--|
| 11/03/89 | Bridgestone/Firestone, Inc. | 5 | Site Registry | HC | Tack | Hearing continued pending negotiations. Settlement proposed 8/96. Updated site evaluation to be submitted in 11/02. |
| 7/02/90 | Keokuk Savings Bank and Trust; Keokuk Coal Gas Site | 6 | Site Registry | HW | Tack | Hearing continued. Status report requested from land quality bureau on 12/1/99. |
| 7/30/90 | Key City Coal Gas Site; and Howard Pixler | 1 | Site Registry | HW | Tack | Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99. |
| 5/12/92 | Paris & Sons, Inc. | 1 | Site Registry | HC | Wornson | Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment. |
| 4/05/93 | Mapleton, City of | 4 | WW Certification Operator | WW | Hansen | 7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested. |
| 10/07/94 | Titan Wheel International | 6 | Admin. Order/Penalty | WW | Hansen | 1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter. |
| 9/20/95 | FKI Industries, Inc.; Fairfield Aluminum, Inc. | 6 | Admin. Order | WW/HC | Tack | 7/25/02 – Settlement offer sent. Response promised for October. |
| 1/25/96 | Hidden Valley Mobile Home Park | 6 | Admin. Order/Penalty | WW | Clark | 9/12/02 – Tentative penalty settlement subject to correction of recent inspection deficiencies. |
| 7/22/97 | Robert P. Frees; Elizabeth R. Mathes | 6 | Admin. Order/Penalty | SW | Tack | Settlement reached. Cleanup underway. |

| | | | | | | |
|----------|--|----------|-------------------------------------|-----------|-----------------|--|
| 1/16/98 | Pilgrim Heights Camp | | NPDES Permit Conditions | WW | Hansen | 5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal. |
| 11/30/98 | Robert Diehl | 5 | Admin. Order/Penalty | WW/WS | Murphy | 5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance. |
| 12/16/98 | Richard Swailes | | Permit Denial | FP | Clark | 10/02/02 Hearing continued indefinitely pending settlement negotiations. |
| 1/13/99 | Bernadette Ryan | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 3/04/99 | Dayton, City of | 2 | Admin. Order/Penalty | WW | Murphy | 2/14/02 Amended order. New facilities to be completed this year. |
| 3/18/99 | Ag Processing, Inc. (Sergeant Bluff) | | Title V Operation Permit Conditions | AQ | Preziosi | 7/02 – One issue of appeal remains to be settled. |
| 4/26/99 | Gerald and Judith Vens | 6 | Admin. Order/Penalty | FP | Clark | Negotiating before filing. |
| 7/19/99 | Celotex Corp. (Ft. Dodge) | 2 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 7/27/99 | Affordable Asbestos Removal; Jeffry Intlekofer | 6 | Admin. Order/Penalty | AQ | Book | Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court. Oral arguments set for 12/3/02. |

| | | | | | | |
|----------------------|---|---|----------------------|-------|----------|--|
| 9/08/99 | Linwood Mining & Minerals | 6 | Permit Conditions | AQ | Preziosi | Settlement close. |
| 9/10/99 | Linwood Mining & Minerals | 6 | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 10/22/99 | Robert Fisher | 2 | Admin. Order/Penalty | AFO | Clark | 9/30/02 – Penalty settlement offer accepted. Monthly installments commence 10/30/02. |
| 11/15/99 | Rocky Knoll Mobile Home Park | 2 | Admin. Order/Penalty | WS | Tack | Compliance achieved. Penalty settled for \$3,000. Payment plan initiated. |
| 12/01/99 12/08/99 | Iowa Select Farms, L.P./AG Waste Consultants, Inc. | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/14/00 | Stateline Cooperative | 2 | Admin. Order | HC | Wornson | Tier 2 report submitted 11/28/00. High risk. review for further corrective action. |
| 4/24/00 | Carroll, City of | 4 | Permit Conditions | WW | Hansen | 9/9/02 Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 Letters received from City engineer regarding appeal and WWTF improvements. |
| 4/26/00 | State Wide Metal Recycling, Inc.; Fred Bovee | 5 | Admin. Order | SW/HC | Tack | Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02. |
| 6/14/00 | Quality Mat Co., Inc. | 1 | Admin. Order/Penalty | AQ | Book | 4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. |
| 7/13/00 | Dan Witt | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 8/11/00 | Twin Anchors RV Resort | 5 | Admin. Order/Penalty | WW | Tack | Construction permit issued 10/24/02. 90-days to complete construction. Penalty to be negotiated after compliance is achieved. |
| 8/11/00 | Kiefer Built | 2 | Admin. Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. 5/02 – First two penalty payments received. |
| 9/05/00 | Thomas Kronlage | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/27/00 | Farmers Cooperative Society (Titonka) | 2 | Admin. Order Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/02/00 | Agriprocessors, Inc. | 1 | Variance Denial | | Murphy | 3/1/02 – City/industry progressing with facility |

| | | | | | | |
|----------|---|---|--------------------------|-----------|---------------|--|
| | | | | | | improvements. |
| 10/03/00 | Friesen of Iowa, Inc. | 3 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Linwood Mining & Mineral Corp. | 6 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Duane Crees | 6 | Admin. Order/Penalty | AQ/SW | Tack | Default judgment to be entered in favor of Dept. Appeal closed. Penalty due. |
| 10/20/00 | AGP, Ag Processing | 6 | Permit Conditions | AQ | Preziosi | AGP has sold this facility. Checking with new owner regarding interest in appeal issue. |
| 11/20/00 | Randy Golden d/b/a R. Excavating | 4 | Admin. Order/Penalty | WW | Tack | Petition for judicial review filed. AG to handle. |
| 11/22/00 | Fansteel-Wellman Dynamics | 4 | Permit Conditions | SW | Tack | Proposed EPA consent order received. Under review by DNR engineers. |
| 12/01/00 | Postville, City of | 1 | Admin. Order | WW | Murphy | 3/1/02 – City/industry progressing with facility improvements. |
| 12/05/00 | Braddyville, City of | 6 | Admin. Order/Penalty | WW | Hansen | 1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into. 7/1/02 – Dept. letter with consent order to city attorney. 7/22/02 – Consent order signed by Director and issued. 7/29/02 – City attorney sent motion to dismiss appeal to ALJ. 8/5/02 – ALJ issued order closing appeal. Penalty payment due 10/31/02. |
| 2/27/01 | Floyd Kroeze | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/04/01 | The Woods at Fox Hollow Homeowners Assn. | 6 | Permit Conditions | WS | Hansen | 7/15/02 Dept. advised that 3 rd well was constructed. WS requested to be classified as a non-PWS since it does not meet criteria for PWS. 8/1/02 Dept. letter to WS about reclassification. 8/20/02 Response received from facility developer. 8/30/02 Dept. requested more information. 9/18/02 Dept. letter to developer. 9/26/02 Response received from developer. 10/1/02 WS section letter to facility classifying this system as a non-public water supply. 10/1/02 Letter to facility closing appeal. Case closed. |

| | | | | | | |
|----------------|---|----------|-----------------------------|-----------|----------------|---|
| 4/13/01 | West Central Cooperative | 4 | Permit Denial | AQ | Preziosi | Negotiations continue. |
| 4/16/01 | Richard Thompson; Thompson Auto Parts | 5 | Admin. Order/Penalty | SW/WW | Tack | Clean-up schedule agreement reached. Hearing continued to 11/08/02. |
| 5/01/01 | Onawa Country Club and Golf Course | 4 | Admin. Order/Penalty | WS | Tack | 10/10/02 Penalty payment received. Case closed. |
| 5/29/01 | Wayne Wheatley fdba Wheatley Auto and Truck Service | 3 | Admin. Order/Penalty | UT | Wornson | Settlement agreement. Hearing continued. Compliance initiated. |
| 5/29/01 | Burco Farms, Inc. | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 6/18/01 | Noble Ford Mercury | 5 | Admin. Order/Penalty | WW | Hansen | 7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order. |
| 6/19/01 | Eagle Investors, LLP d/b/a Manson Ampride | 4 | Admin. Order/Penalty | UT | Wornson | Settled. Compliance achieved, penalty settled. Awaiting penalty payment. |
| 6/19/01 | John Hoth | 5 | Admin. Order/Penalty | UT | Wornson | Compliance completed, negotiating penalty settlement. |
| 6/27/01 | Tama Beef Packing, Inc. | 5 | Admin. Order/Penalty | SW/WW | Hansen | 11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. |
| 7/02/01 | Bulk Petroleum Corp. d/b/a Citgo | 5 | Admin. Order/Penalty | UT | Wornson | Negotiating before filing. |
| 7/10/01 | Midway Oil Co. (West Branch – 8603858) | 6 | Admin. Order/Penalty | UT | Wornson | Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. Midway has failed to sign settlement agreement and is in breach of oral agreement. |
| 7/10/01 | Midway Oil Co. (Davenport – 8602775) | 6 | Admin. Order/Penalty | UT | Wornson | Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. |
| 7/16/01 | Midland Transportation Co. | 1 | Admin. Order/Penalty | UT | Wornson | Midland filed for bankruptcy. Compliance achieved by another party. Case closed and penalty rescinded. |
| 8/09/01 | Nevada, City of | 5 | Admin. Order/Penalty | UT | Wornson | Compliance achieved. |

| | | | | | | |
|-----------------|--|----------|-----------------------------|-----------|----------------|--|
| | | | | | | Negotiating penalty or SEP. |
| 8/13/01 | ABC Disposal Systems, Inc. | 1 | Admin. Order/Penalty | SW | Tack | 4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. AG to handle. |
| 8/15/01 | Trajet Products, Inc. | 4 | Admin. Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |
| 8/17/01 | Long Branch Maintenance Corp. | 5 | Admin. Order/Penalty | WW | Hansen | Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement. |
| 8/21/01 | Earlham, City of | 5 | Admin. Order/Penalty | WW | Hansen | Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer. |
| 9/25/01 | Lawrence Lenertz | 5 | Admin. Order/Penalty | UT | Wornson | Compliance initiated. Penalty settlement pending completion of Tiered assessment. |
| 10/02/01 | Daryl Larson | 6 | Admin. Order | AFO | Clark | Negotiating before filing. |
| 10/02/01 | Lawrence "Bub" Korver d/b/a Korver Development Co. | 3 | Admin. Order/Penalty | WW | Tack | Hearing set for 11/22/02. |
| 10/08/01 | Ervin Jones; City of Swisher | 6 | Certification Denial | WW | Wornson | Compliance achieved except for probationary period. Case closed. |
| 11/01/01 | Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis | 4 | Admin. Order/Penalty | WW/HC | Wornson | Hearing continued. Settlement agreement signed. Resolution of penalty pending completion of site assessment. Access problem resolved by DNR. |
| 11/07/01 | Sir Fredericks, Inc. | 5 | Admin. Order/Penalty | UT | Wornson | Compliance initiated. |
| 11/26/01 | LeMars, City of | 3 | Admin. Order/Penalty | WW | Hansen | 8/22/02 – Informal meeting held to discuss settlement. |
| 11/27/01 | Dallas County Care Facility | 5 | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 12/10/01 | Max and Phyllis Graber; Burdean Graber | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 12/17/01 | Keith Stoterau; Hopp Construction Co., Inc. | 4 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |

Environmental Protection Commission Minutes

November 2002

| | | | | | | |
|----------|---|---|----------------------|-------|----------|--|
| 12/24/01 | Joe & Mary Schuster | 2 | Admin. Order/Penalty | AQ/SW | Preziosi | Settled. Penalty payment plan established. |
| 1/04/02 | Negus-Sons, Inc. (Whispering Woods) | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/09/02 | Roger Eblen; Roger Eblen Development; Duane Menke | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/14/02 | George Redman | 5 | Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. |
| 1/18/02 | Robert Ward | 6 | Order/Penalty | WW | Tack | Negotiating before filing. |
| 1/23/02 | Clearview Mobile Home Park | 6 | Permit Conditions | WW | Hansen | 3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. |
| 1/29/02 | Partners Four Investments, Inc. | 2 | Order/Penalty | UT | Wornson | Tier 2 submitted. Negotiating penalty. |
| 1/29/02 | Van Meter Development Corp. (Whispering Pines) | 5 | Order/Penalty | WW | Murphy | ALJ decision 10/18/02. |
| 2/08/02 | ADM – Clinton | 6 | Permit Conditions | AQ | Preziosi | Requesting additional materials to review. |
| 2/20/02 | Storm Lake, City of | 2 | Permit Conditions | WW | Hansen | Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/5/02 Dept. received letter from City attorney and City engineer; under review by WW permits section. Hearing rescheduled for 12/20/02. |
| 2/25/02 | Lee County | 6 | Permit Conditions | WW | Hansen | Hearing scheduled for 11/5/02. 10/31/02 Pre-hearing telephone conference. |
| 3/13/02 | Sapp Bros. Truck Stops, Inc. | 4 | Order/Penalty | WS | Murphy | Hearing held 10/18/02. 11/01/02 ALJ decision received. |
| 3/14/02 | Brett George d/b/a Cedar Valley Tree Service | 6 | Order/Penalty | AQ/SW | Tack | 8/16/02 – First penalty payment received. Final payment due 9/15/02. |
| 3/20/02 | Mike Messerschmidt | 6 | Order/Penalty | AQ/SW | Book | In the process of finalizing consent amendment. |
| 4/11/02 | William Habhab | 2 | Order/Penalty | SW | Tack | City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02. |

| | | | | | | |
|----------------|---|----------|----------------------|-----------|-------------|--|
| 4/12/02 | Well's Dairy, Inc. | 3 | Order/Penalty | WW | Hansen | 4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. |
| 4/17/02 | Lawrence Handlos | 4 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/17/02 | Kris King | 4 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/22/02 | Big Rock Country Club | 1 | Order/Penalty | WS | Tack | 10/29/02 Penalty payment received. Case closed. |
| 4/30/02 | Dennis Frederickson; Mark Frederickson | 4 | Order/Penalty | AQ/SW | Preziosi | 10/04/02 deadline to respond to DNR letter. |
| 5/01/02 | Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash | 6 | Order/Penalty | WW | Murphy | Hearing set for 10/7/02. |
| 5/02/02 | Minden, City of | 4 | Order/Penalty | WW | Hansen | Amended order to be issued to resolve appeal. 9/3/02 Letter from city engineer regarding project and new schedule. 10/30/02 Letter and draft order to City attorney for review. |
| 5/03/02 | M.A., Inc.; Spring Grove MHP | 6 | Order/Penalty | WW | Hansen | Hearing held 7/30/02. 8/27/02 – Proposed decision issued by ALJ. No appeal received. Decision final. Awaiting penalty payment. |
| 5/03/02 | M.A., Inc.; Westside Park for MH | 6 | Order/Penalty | WW | Hansen | Hearing held 7/30/02. 8/27/02 – Proposed decision issued by ALJ. No appeal received. Decision final. Awaiting penalty payment. |
| 5/07/02 | Jones County Conservation Board; Central Park | 1 | Order/Penalty | WS | Hansen | Negotiating before filing. |
| 5/07/02 | Goldsmith and Son, Inc.; Goldsmith Trucking | 3 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty and stipulated penalty if there are more violations within next 2 years. Penalty payment plan established and payments on schedule. 10/24/02 Final payment received. Case closed. |
| 5/08/02 | James and Retha Wilson | 4 | Order/Penalty | UT | Wornson | Negotiating before filing. |
| 5/08/02 | Swine Graphics Enterprises, L.P., ADL V Sow Farm | 5 | Order/Penalty | AFO | Murphy | 5/17/02 – Sent to DIA. To be submitted to ALJ by |

| | | | | | | |
|----------------|--|----------|----------------------|-----------|-----------------|--|
| | | | | | | stipulation. |
| 5/09/02 | Arthur, City of | 3 | Order/penalty | WW | Hansen | Negotiating before filing. |
| 5/10/02 | Wellington Environmental | 6 | Order/Penalty | AQ | Book | Will resolve with other Wellington case. Appeal under consideration by Company. |
| 5/13/02 | Avery Feeder Pig Co. | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 5/23/02 | Emer Carlson | 6 | Order/Penalty | AQ | Book | Settlement offer being reviewed by Carlson. |
| 5/30/02 | Paul Nagle | 5 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule. |
| 6/03/02 | Richard Caves; Charlotte Caves | 5 | Order/Penalty | HC | Tack | Negotiating before filing. |
| 6/14/02 | Deer Track Subdivision; F & J Enterprises | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 6/17/02 | Allison, City of | 2 | Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. |
| 6/17/02 | Clint Cordes; Cordes Excavating | 2 | Order/Penalty | AQ | Preziosi | 10/21/02 Penalty payment received. Case closed. |
| 6/27/02 | Northwest Iowa Solid Waste Agency | 3 | Stipulated Penalties | SW | Tack | 9/10/02 – Settlement offer sent. |
| 7/02/02 | ITWC | 5 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 7/02/02 | Wellington Environmental (Iowa City) | 6 | Order/Penalty | AQ | Book | Will resolve with other Wellington case. Appeal under consideration by Company. |
| 7/05/02 | Marion Murray; Murray Transfer and Storage | 6 | Order/Penalty | UT | Wornson | Tank closure completed. |
| 7/09/02 | Waukon Golf & Country Club | 1 | Order/Penalty | UT | Wornson | Compliance initiated, negotiating penalty settlement based on compliance with Tier 1. |
| 7/10/02 | Kevin Wallerich | 6 | Order/Penalty | SW/WW | Tack | 9/26/02 – Amended order issued. |
| 7/15/02 | Grinnell Properties, Inc.; David Hamilton | 5 | Order/Penalty | UT | Wornson | Sent to DIA. |
| 7/18/02 | Mt. Pleasant, City of | 6 | Order/Penalty | WW | Hansen | Negotiating before filing. \$500 penalty payment received for uncontested portion. |
| 7/22/02 | Thombert, Inc. | 5 | Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |

| | | | | | | |
|----------------|--|----------|---------------|------------|---------------|--|
| 7/23/02 | Doug Wedemeyer | 4 | Order/Penalty | AFO | Murphy | Negotiating before filing. |
| 7/24/02 | Frank Siemens | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 7/31/02 | Nevada, City of | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 7/31/02 | College Pro Painters | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 8/01/02 | Poweshiek Water Assn. | 1 | Order/Penalty | WW | Murphy | 10/29/02 Settled. Awaiting SEP payment. |
| 8/08/02 | Jason Strike | 1 | Order/Penalty | AFO | Murphy | 9/25/02 Settlement offer. |
| 8/12/02 | Garry B. Pellett; Pellett Chemical Co., Inc. | 4 | Order/Penalty | UT | Wornson | Late appeal. Compliance initiated. |
| 8/15/02 | Lehigh Portland Cement | 2 | Order/Penalty | WS | Clark | Negotiating before filing. |
| 8/23/02 | Clifton Clark | 4 | Order/Penalty | AQ/SW | Tack | Clean-up under way. Progress to be reviewed after 10/31/02. |
| 8/25/02 | Kenneth Dahlhauser | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/03/02 | Peter Cook | 6 | Order/Penalty | AQ/SW | Book | Negotiating before filing. |
| 9/06/02 | Mitchell Co. Board of Supervisors | 2 | Order/Penalty | AQ/SW | Book | Settlement reached. Waiting for signed consent amendment. |
| 9/06/02 | Futura Dairy, LLP | 1 | Order/Penalty | AFO | Murphy | 10/10/02 Penalty payment received. Case closed. |
| 10/01/02 | Stan Siems | 2 | Order/Penalty | AQ/SW | Tack | New case. |
| 10/16/02 | Charles Butler | 2 | Order/Penalty | AQ/SW | Book | New case. |
| 10/18/02 | M. Poe Investments; Advanced Technologies | 1 | Order/Penalty | AQ | Book | New case. |
| 10/21/02 | Taylor Oil Co., Inc.; Taylor Quik-Pik | 4 | Order/Penalty | AQ | Book | New case. |
| 10/21/02 | Caldwell Meats, Inc.; James Caldwell | 5 | Order/Penalty | UT | Wornson | New case. |
| 10/24/02 | Harold L. Foster; Carolyn Foster; Glolin, Inc. | 4 | Order | UT | Wornson | New case. All parties appealed. |

During the period October 1, 2002 through October 31, 2002, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

| Month | Total | Avg. Length (days) | Avg. Volume (MGD) | Sampling Required | Fish Kill |
|-------|-------|--------------------|-------------------|-------------------|-----------|
|-------|-------|--------------------|-------------------|-------------------|-----------|

| | | | | | |
|--------------------|-------------|-----|---------|---|------|
| | | | | | |
| October '02 | 5(9) | 1.4 | .0291 | 4 | 0(0) |
| November '01 | 4(1) | 1 | 0.00133 | 2 | 0(0) |
| December '01 | 3(1) | 2 | 3.50002 | 1 | 0(0) |
| January '02 | 4(5) | 1 | .007485 | 1 | 0(0) |
| February '02 | 5(2) | 1.2 | .012 | 2 | 0(0) |
| March '02 | 2(10) | 1 | .000125 | 0 | 0(0) |
| April '02 | 5(3) | 1 | 0.50215 | 2 | 0(0) |
| May '02 | 2(10) | 5.5 | 0.052 | 1 | 0(0) |
| June '02 | 3(6) | 1 | 0.09667 | 1 | 0(0) |
| July '02 | 6(6) | 2 | 0.15828 | 4 | 0(0) |
| August '02 | 3(9) | 1 | .0069 | 0 | 0(1) |
| September '02 | 3(5) | 1 | .13433 | 2 | 1(0) |
| | | | | | |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 1 | 1 | 1 | 1 | 0 |

Wayne Gieselman said there was a case involving a livestock feeding operation that had gone to district court level, which had been decided in the department's favor.

Darrell Hanson asked if there was any new information on Sunrise Dairy.

Wayne Gieselman said they have a construction permit and are building retention basins.

Mike Murphy said Sunrise Dairy had been taken off the Enforcement Action Report because they had signed a consent decree where they pled guilty to a number of criminal charges and a civil consent decree which closed the legal action.

ITEMS FOR THE NEXT MEETING

Wayne Gieselman said they would bring the final 303(d) list before the Commission at the December meeting and the County Construction Review Resolution rulemaking will be brought off the table. He said there is a possibility of another appeal of a livestock facility, which if they can get everything in timely fashion may come before the Commission at the December meeting.

GENERAL DISCUSSION

Wayne Gieselman said there are 25 public hearings scheduled through ICN on December 5th for the master matrix.

Kathryn Murphy said as Commissioners it is very important that they try to get to these hearings if at all possible.

Wayne Gieselmann said he would email the sites and times to the Commissioners.

Jack Riessen said in October the department had provided information about a rule change that would prohibit confinement feeding operations from building in the flood plain. He said it was not put on this month's agenda because of several reasons but would be on the December agenda.

Kathryn Murphy said in past years for the January meeting the Commission has met on the third Tuesday of the month and then met with legislators the following morning. Normally they would meet Tuesday morning, have a meeting with Natural Resource Commission that afternoon and then all would go to dinner that evening.

Kathryn Murphy said she would like to discuss the letter that had been forwarded to them from the Citizens Environmental Protection Advisory Group that had a number of questions they asked the Commission to answer.

Carol Arpy said the staff is working on a response to the letter.

Darrell Hanson said he would like to have a copy of the response given to the Commission.

Kathryn Murphy said that much of the information that this group is demanding are a matter of public record and she does not understand why this group did not try to get the information for themselves, when the department staff is already strapped for time.

Mike Murphy said part of the response will be the location where the information can be found.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 3:30 p.m., Monday, November 18, 2002.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Rita Venner, Secretary

INDEX**A**

Adjournment, 61
 Adoption of Agenda, 1
 Appointment
 Dickenson, Rick
 Vessel Systems, Inc. Referral, 28
 Heitritter, Ellie
 Vessel Systems, Incorporated
 Referral, 27
 Approval of Minutes, 1
 AURA Consulting
 Contract
 One Stop Project Manager, 20

B

Bog's Bar
 Referral to the Attorney General, 35
 Bubba's Bar & Grill
 Referral to the Attorney General, 35
 Budget Request - FY 04, 6
 Bunz, Jean
 Public Participation
 Humboldt County Demand for
 Hearing, 9

C

Call to Order, 1
 Chapter 100, Scope of Title-Definitions-
 Forms-Rules of Practice
 Amendment
 Final Rule, 17
 Chapter 102, Permits
 Amendment
 Final Rule, 17
 Chapter 103, Sanitary Landfills
 Rescission
 Final Rule, 17
 Chapter 103, Sanitary Landfills, Coal
 Combustion Residue
 Adoption
 Final Rule, 17

Chapter 108, Beneficial Use Determinations
 - Solid Byproducts as Resources and
 Alternative Cover
 Adoption
 Notice of Intended Action, 15
 Chapter 108, Reuse of Solid Waste
 Rescission
 Notice of Intended Action, 15
 Chapter 109, Special Waste Authorizations
 Amendment
 Final Rule, 17
 Chapter 110, Design, Construction, and
 Operation standards for Solid Waste
 Management Facilities
 Name Change to Hydrogeologic
 Investigation and Monitoring
 Requirements
 Final Rule, 17
 Chapter 111, Financial Assurance
 Requirements for Municipal Solid Waste
 Landfills
 Amendment
 Final Rule, 17
 Chapter 112, Sanitary Landfills, Biosolids
 Monofills
 Adoption
 Final Rule, 17
 Chapter 113, Sanitary Landfills, Municipal
 Solid Waste
 Adoption
 Final Rule, 17
 Chapter 114, Sanitary Landfills,
 Construction and Demolition Waste
 Adoption
 Final Rule, 17
 Chapter 115, Sanitary Landfills, Industrial
 Landfill
 Adoption
 Final Rule, 17
 Chapter 116, Registration of Waste Tire
 Haulers
 Recission of old, adoption of new
 Proposed Rule, 14
 Chapter 22, Controlling Pollution

Final Rule

Definition of Stationary Source
Categories, 33

Chapter 61, Water Quality Standards

Class A Division and E coli based
standard

Proposed Rule, 30

Chapter 65 Animal Feeding Operations

County construction evaluation
resolutions

Final Rule, 24, 29

Chapter 65, Animal Feeding Operations

Interim Matrix

Notice of Termination, 23

Chapter 72, Criteria for Approval

Class A Division and E coli based
standard

Proposed Rule, 30

Commissioners Absent, 1

Commissioners Present, 1

Connor, Diane

Public Participation

Humboldt County Demand for
Hearing, 10

Contract

AURA Consulting

One Stop Project Manager, 20

Reed, Stowe & Yanke

Illegal Dumping Prevention &
Response Workshops, 18

University Hygienic Laboratory

2003 Environmental Monitoring and
Laboratory Services, 32

D

Demand for Hearing

Humboldt County

D&S Cattle

Scheduling, 13

Dickenson, Rick

Vessel Systems, Inc. Referral

Appointment, 28

Director's Report, 2

F

Fallesen, Louie

Public Participation

Humboldt County Demand for
Hearing, 10

Final Rule

Chapter 100, Scope of Title-Definitions-
Forms-Rules of Practice

Amendment, 17

Chapter 102, Permits

Amendment, 17

Chapter 103, Sanitary Landfills

Rescission, 17

Chapter 103, Sanitary Landfills, Coal
Combustion Residue

Adoption, 17

Chapter 109, Special Waste
Authorizations

Amendment, 17

Chapter 110, Design, Construction, and
Operation standards for Solid Waste
Management Facilities

Name Change to Hydrogeologic
Investigation and Monitoring
Requirements, 17

Chapter 111, Financial Assurance
Requirements for Municipal Solid Waste
Landfills

Amendment, 17

Chapter 112, Sanitary Landfills,
Biosolids Monofills

Adoption, 17

Chapter 113, Sanitary Landfills,
Municipal Solid Waste

Adoption, 17

Chapter 114, Sanitary Landfills,
Construction and Demolition Waste

Adoption, 17

Chapter 115, Sanitary Landfills,
Industrial Landfill

Adoption, 17

Chapter 22, Controlling Pollution

Definition of Stationary Source
Categories, 33

Chapter 65 Animal Feeding Operations

County construction evaluation
resolutions, 24, 29

Financial Status Report, 2

H

Heathcote, Susan
 Public Participation
 Impaired Water List, 11
 Heitritter, Ellie
 Vessel Systems, Incorporated Referral
 Appointment, 27
 Horton-Plasket, Elizabeth
 Public Participation
 Impaired Waters List, 11
 Humboldt County
 Demand for Hearing
 D&S Cattle
 Scheduling, 13

K

Kelso, John C
 Referral to the Attorney General, 35

M

Maas, Marian
 Presentation
 TMDL Program, 36
 Mobile World, L.C.
 Referral to the Attorney General, 35
 Monthly Reports, 37

N

Notice of Intended Action
 Chapter 108, Beneficial Use
 Determinations - Solid Byproducts as
 Resources and Alternative Cover
 Adoption, 15
 Chapter 108, Reuse of Solid Waste
 Rescission, 15
 Notice of Termination
 Chapter 65, Animal Feeding Operations
 Interim Matrix, 23

O

Oran Pub & Grill
 Referral to the Attorney General, 35

P

Presentation

Maas, Marian

 TMDL Program, 36
 Proposed Contested Case Decision
 Van Meter Development Corp. Joint
 Venture; C. Dave Albright, 22
 Proposed Rule
 Chapter 116, Registration of Waste Tire
 Haulers
 Rescission of old, adoption of new, 14
 Chapter 61, Water Quality Standards
 Class A Division and E coli based
 standard, 30
 Chapter 72, Criteria for Approval
 Class A Division and E coli based
 standard, 30
 Public Participation
 Fallesen, Louie
 Humboldt County Demand for
 Hearing, 10
 Heathcote, Susan
 Impaired Water List, 11
 Horton-Plasket, Elizabeth
 Impaired Waters List, 11
 Winkey, Deanne
 Humboldt County Demand for
 Hearing, 10
 Public Participation
 Bunz, Jean
 Humboldt County Demand for
 Hearing, 9
 Connor, Diane
 Humboldt County Demand for
 Hearing, 10
 Smith, Scott
 Landfill Rules and Illegal Dumping,
 9

R

Reed, Stowe & Yanke
 Contract
 Illegal Dumping Prevention &
 Response Workshops, 18
 Referral to the Attorney General
 Bog's Bar, 35
 Bubba's Bar & Grill [Cresco] – drinking
 water., 35

John C. Kelso, 35
Mobile World, L.C., 35
Oran Pub & Grill, 35

S

Smith, Scott
Public Participation
Landfill Rules and Illegal Dumping,
9

U

University Hygienic Laboratory
Contract
2003 Environmental Monitoring and
Laboratory Services, 32

V

Van Meter Development Corp. Joint
Venture; C. Dave Albright
Proposed Contested Case Decision, 22

W

Winkey, Deanne
Public Participation
Humboldt County Demand for
Hearing, 10